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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Introduced By: Representatives Mattiello, and Newberry

Date Introduced: February 09, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-9-1.4 of the General Laws in Chapter 11-9 entitled "Children" is
2 hereby amended to read as follows:

3 **11-9-1.4. Minor electronically disseminating indecent material to another person --**
4 **"Sexting" prohibited.** -- (a) Definitions as used in this section:

5 (1) "Minor" means any person not having reached eighteen (18) years of age;

6 (2) "Computer" has the meaning given to that term in section 11-52-1;

7 (3) "Telecommunication device" means an analog or digital electronic device which
8 processes data, telephony, video, or sound transmission as part of any system involved in the
9 sending and/or receiving at a distance of voice, sound, data, and/or video transmissions;

10 (4) "Indecent visual depiction" means any digital image or digital video of the minor
11 engaging in sexually explicit conduct, and includes data stored ~~or~~ on any computer,
12 telecommunication device, or other electronic storage media which is capable of conversion into
13 a visual image;

14 (5) "Sexually explicit conduct" means actual masturbation or graphic focus on or
15 lascivious exhibition of the nude genitals or pubic area of the minor.

16 (b) No minor shall knowingly and voluntarily and without threat or coercion use a
17 computer or telecommunication device to transmit an indecent visual depiction of himself or
18 herself to another person.

19 (c) A violation of this section shall be a status offense and referred to the family court.

1 (d) Any minor adjudicated under subsection (b) shall not be charged under section 11-9-
2 1.3 and, further, shall not be subject to sex offender registration requirements set forth in section
3 11-37.1-1 et seq., entitled "Sexual Offender Registration and Community Notification Act."

4 SECTION 2. Section 15-23.1-210 of the General Laws in Chapter 15-23.1 entitled
5 "Uniform Interstate Family Support Act" is hereby amended to read as follows:

6 **15-23.1-210. Application of chapter to nonresident subject to personal jurisdiction.**

7 **[Contingent effective date; see note.]** -- A tribunal of this state exercising personal jurisdiction
8 over a nonresident in a proceeding under this chapter, under other law of this state relating to a
9 support order, or recognizing a foreign support order may receive evidence from outside this state
10 pursuant to section 15-23.1-316, communicate with a tribunal outside this state pursuant to
11 section 15-23.1-317, and obtain discovery through [a tribunal](#) outside this state pursuant to section
12 15-23.1-318. In all other respects, sections 301 -- 616 of this chapter do not apply and the tribunal
13 shall apply the procedural and substantive law of this state.

14 SECTION 3. Section 17-20-10 of the General Laws in Chapter 17-20 entitled "Mail
15 Ballots" is hereby amended to read as follows:

16 **17-20-10. Certification of applications -- Issuance of ballots -- Marking of lists --**

17 **Mailing address.** -- (a) Upon receipt of the application, the local board shall immediately
18 examine it and determine whether it complies with each of the requirements set forth by this
19 chapter and compare the signature on the ballot application with the signature contained on the
20 original registration card, except as may be otherwise provided by law, to satisfy itself that the
21 applicant is a qualified voter. Upon determining that it does meet each requirement of this chapter
22 and that the signature appears to be the same, the local board shall mark the application
23 "accepted" and record in the space provided on the ballot application the senatorial,
24 representative, and voting district in which the applicant should vote.

25 (b) The local board shall also record the city or town code and district information in the
26 mailing label section of the mail ballot application. The local board shall also print or type the
27 name of the elector and the complete mailing address in that section. If the local board does not
28 accept the application, the local board shall return the application to the elector, together with a
29 form prescribed by the secretary of state, specifying the reason or reasons for the return of the
30 application.

31 (c) Not later than 4:00 p.m. on the eighteenth (18th) day before the day of any election
32 referred to in this chapter or within seven (7) days of receipt by the local board, whichever occurs
33 first, the local board shall certify the applications to the secretary of state through the CVRS
34 system as this procedure is prescribed by the secretary of state. Upon the certification of a mail

1 ballot application to the secretary of state, the local board shall enter on the voting list the fact
2 that a mail ballot application for the voter has been certified and shall cause the delivery of the
3 certified mail ballot applications together with the signed certified listing thereof in sealed
4 packages to the state board of elections.

5 (d) (1) Upon the ballots becoming available, the secretary of state shall immediately,
6 issue and mail, by first class mail, postage prepaid, a mail ballot to each eligible voter who has
7 been certified. With respect to voters who have applied for these mail ballots under the provisions
8 of subdivision 17-20-2~~(3)~~(1), the secretary of state shall include with the mail ballots a stamped
9 return envelope addressed: "Board of Elections, 50 Branch Avenue, Providence, Rhode Island
10 02904-2790".

11 (2) The secretary of state shall include on the mail ballot envelope a numerical or
12 alphabetical code designating the city or town where the voter resides. The secretary of state shall
13 immediately thereafter indicate on the voter's record that the secretary of state has sent mail
14 ballots provided, that this mark shall serve solely to indicate that a mail ballot has been issued and
15 shall not be construed as voting in the election.

16 (e) Prior to each election, the secretary of state shall also furnish to the chairperson of the
17 state committee of each political party a list of the names and residence addresses of all persons
18 to whom mail ballots have been issued. The secretary of state shall also furnish to a candidate for
19 political office upon request a list of the names and residence addresses of all persons to whom
20 mail ballots have been issued within his or her district.

21 ~~(f) [Deleted by P.L. 2005, ch. 167, section 2.]~~

22 ~~(g)~~(f) If a ballot is returned to the secretary of state by the postal service as
23 undeliverable, the secretary of state shall consult with the appropriate local board to determine the
24 accuracy of the mailing address, and the secretary of state shall be required to remail the ballot to
25 the voter using the corrected address provided by the local board. If the local board is unable to
26 provide a different address than that to which the ballot was originally mailed, the ballot shall be
27 reissued by the secretary of state to the board of canvassers in the city or town where the voter
28 resides utilizing the numerical or alphabetical code established in subsection (d) of this section.
29 The board shall then attempt to notify the voter at his or her place of residence that the ballot has
30 been returned as undeliverable. The ballot must be voted and witnessed in accordance with the
31 provisions of this chapter.

32 ~~(h)~~(g) The acceptance of a mail ballot application by the board of canvassers and the
33 issuance of a mail ballot by the secretary of state shall not create any presumption as to the
34 accuracy of the information provided by the applicant or as to the applicant's compliance with the

1 provisions of this chapter. Any inaccuracy in the provided information or irregularity in the
2 application may be raised as a challenge to the ballot before the board of elections at the time of
3 certification. If the challenge raised at that time is meritorious, the ballot shall be voided.

4 ~~(h)~~ Within two (2) business days of receipt by the local board, the board shall certify
5 emergency mail ballot applications and shall cause the delivery of the emergency mail ballot
6 applications, and certification sheet in sealed packages to the state board of elections.

7 SECTION 4. Section 27-3-38 of the General Laws in Chapter 27-3 entitled "Surplus
8 Lines Insurance" is hereby amended to read as follows:

9 **27-3-38. Surplus line brokers -- License -- Affidavit of inability to obtain insurance -**
10 **Reports and records - Premium tax - Notice to purchasers. --** (a) The insurance commissioner
11 may issue a surplus line broker's license to any person authorizing the licensee to procure, subject
12 to the restrictions provided in this section, policies of insurance, except life and health and
13 accident, from eligible surplus lines insurers. ~~Residents~~ Residents of this state must hold a
14 property and casualty insurance producer license to qualify for a surplus lines broker license. This
15 license may be denied, suspended or revoked by the insurance commissioner whenever, in the
16 commissioner's judgment, any of the bases under section 27-2.4-14 exist. Before any license is
17 issued by the insurance commissioner and before each renewal of a license, there shall be filed in
18 his or her office a written application by the person desiring the license in the form and
19 containing any information, that the insurance commissioner may prescribe. For the purposes of
20 carrying out the provisions of the Nonadmitted and Reinsurance Reform Act of 2010, the
21 commissioner is authorized to utilize the national insurance producer database of the NAIC, or
22 any other equivalent uniform national database, for the licensure of a person as a surplus lines
23 producer and for renewal of such license. For insureds whose home state is this state, a person
24 shall not procure a contract of surplus lines insurance with a nonadmitted insurer unless the
25 person possesses a current surplus lines insurance license issued by the commissioner.

26 (b) A Rhode Island resident business entity acting as a surplus line broker may elect to
27 obtain a surplus line broker license. Application shall be made using the uniform business entity
28 application. Prior to approving the application, the commissioner shall find both of the following:

29 (1) The business entity has paid the appropriate fees.

30 (2) The business entity has designated a licensed surplus line broker responsible for the
31 business entity's compliance with the insurance laws and rules of this state.

32 (c) When any policy of insurance is procured under the authority of that license, there
33 shall be executed, both by the licensee and by the insured, affidavits setting forth facts showing
34 that the insured or a licensed Rhode Island producer were unable, after diligent effort, to procure

1 from no less than three (3) admitted insurers the full amount of insurance required to protect the
2 property owned or controlled by the insured or the risks insured. Provided, however the
3 aforementioned affidavit shall not be required when insuring the following interest: amusement
4 parks and devices, environmental improvement and/or remediation sites, vacant property or
5 property under renovation, demolition operations, event cancellation due to weather, railroad
6 liability, discontinued products, fireworks and pyrotechnics, warehouseman's legal liability,
7 excess property coverage, and contingent liability. In addition, no such affidavit is required for
8 exempt commercial purchasers as defined by the Nonadmitted and Reinsurance Reform Act of
9 2010. For purposes of this section, residual market mechanisms shall not be considered
10 authorized insurers. Prior to renewing, continuing, or extending any policy, the licensed surplus
11 line broker must confirm that the insurer is on the insurance commissioner's list of approval
12 surplus line insurers in this state.

13 (d) The licensee shall keep a complete and separate record of all policies procured from
14 approved surplus lines insurers under the license and these records shall be open to the
15 examination of both the insurance commissioner and tax administrator at all reasonable times,
16 and shall show the exact amount of each kind of insurance permitted under this section which has
17 been procured for each insured, the gross premiums charged by the insurers for each kind of
18 insurance permitted under this section which were returned to each insured, the name of the
19 insurer or insurers which issued each of these policies, the effective dates of these policies, and
20 the terms for which these policies were issued. The licensee shall file a yearly report with the
21 insurance commissioner on a form prescribed by the insurance commissioner showing the
22 business procured under the surplus line license for the preceding calendar year, and the report
23 shall be due annually on or before April 1.

24 (e) Every person, firm, or corporation licensed pursuant to the provisions of this section
25 shall file with the insurance commissioner, at the time of the insurance producer license renewal,
26 sufficient information as determined by the insurance commissioner whether a licensee or a
27 person acting on the licensee's behalf, has paid to the tax administrator, for all policies procured
28 by the licensee pursuant to the license during the next preceding calendar year, a tax, computed at
29 the rate of four percent (4%) on the gross premiums charged the insured by the insurers, less the
30 amount of premiums returned to the insured.

31 (f) Every application form for insurance from a surplus lines insurer, every affidavit
32 form executed by the insured, and every policy (on its front and declaration pages) issued by the
33 surplus lines insurer, shall contain in ten (10) point type the following notice:

34 NOTICE

1 THIS INSURANCE CONTRACT HAS BEEN PLACED WITH AN INSURER NOT
2 LICENSED TO DO BUSINESS IN THE STATE OF RHODE ISLAND BUT APPROVED AS
3 A SURPLUS LINES INSURER. THE INSURER IS NOT A MEMBER OF THE RHODE
4 ISLAND INSURERS INSOLVENCY FUND. SHOULD THE INSURER BECOME
5 INSOLVENT, THE PROTECTION AND BENEFITS OF THE RHODE ISLAND INSURERS
6 INSOLVENCY FUND ARE NOT AVAILABLE.

7 SECTION 5. Section 28-44-59 of the General Laws in Chapter 28-44 entitled
8 "Employment Security - Benefits" is hereby amended to read as follows:

9 **28-44-59. Severance or dismissal pay allocation.** -- For benefit years beginning prior to
10 July 1, 2012, for the purpose of determining an individual's benefit eligibility for any week of
11 unemployment, any remuneration received by an employee from his or her employer in the nature
12 of severance or dismissal pay, whether or not the employer is legally required to pay that
13 remuneration, shall be deemed to be wages paid on the last day of employment for services
14 performed prior to that date. For benefit years beginning on or after July 1, 2012, for the purpose
15 of determining an individual's benefit eligibility for any week of unemployment, any
16 remuneration received by an employee from his or her employer in the nature of severance or
17 dismissal pay, whether or not the employer is legally required to pay that remuneration, shall be
18 allocated on a weekly basis from the individual's last day of work for a period not to exceed
19 twenty- six (26) weeks, and the individual will not be entitled to receive benefits for any such
20 week for which it has been determined that the individual received severance or dismissal pay.
21 Such severance or dismissal pay, if the employer does not specify a set number of weeks, ~~such~~
22 shall be allocated using the individual's weekly benefit rate.

23 SECTION 6. Section 36-9-48 of the General Laws in Chapter 36-9 entitled "Retirement
24 System-Membership and Service Credits" is hereby amended to read as follows:

25 **36-9-48. Underground storage tank financial review board - Transferred employees.**

26 -- (a) Definitions. - For the purposes of this section:

27 ~~(i)~~(1) "UST Board" means the Rhode Island Underground Storage Tank Financial
28 Review Board, a governmental agency and a public instrumentality of the state of Rhode Island.

29 ~~(ii)~~(2) "Transfer date" means July 1, 2006.

30 ~~(iii)~~(3) "Transferred employee" means any individual who was an employee of the UST
31 Board of the state of Rhode Island on the date immediately preceding the transfer date, and who
32 became an employee of the state of Rhode Island, department of environmental management on
33 the transfer date.

34 (b) Transferred employees who return to employment with the state of Rhode Island

1 directly from uninterrupted employment with the Rhode Island Underground Storage Tank
2 Financial Responsibility Review Board shall have their length of service at the UST Board
3 deemed to be uninterrupted active state service for the purposes of service credits in the state
4 retirement system.

5 (c) The period of service of any transferred employee from December 29, 2002, to the
6 date of transfer shall be treated as service as an employee of the state of Rhode Island for the
7 purposes of chapters 8, 9 and 10 of this title.

8 (d) The provisions of subsection (b) of this section shall not apply unless within ninety
9 (90) days following the date of enactment of this section [July 1, 2006] the UST Board transfers,
10 or causes to have transferred from a trustee or other custodian, to the retirement system, an
11 amount equal to the sum of the employees contribution accumulation and the employer
12 contribution accumulation. The amount of transfer shall be determined by the retirement board at
13 full actuarial cost as defined by Rhode Island general law ~~section 36-8.1-9~~ [subdivision 36-8-1\(10\)](#)
14 for the period of service December 29, 2002, to the transfer date. This will be reduced by the
15 transfer to the retirement board of any and all contributions made to the UST Board's Simple IRA
16 by and on behalf of the transferred employees.

17 (e) Transferred employees who return to service with the state of Rhode Island directly
18 from uninterrupted employment with the Rhode Island Underground Storage Tank Financial
19 Review Board, henceforth referred to as "UST Board" shall have their length of service at the
20 UST Board deemed to be uninterrupted active state service for purposes of service credits in the
21 state retirement system.

22 SECTION 7. Section 37-2.4-3 of the General Laws in Chapter 37-2.4 entitled
23 "Habilitation Procurement Program" is hereby amended to read as follows:

24 **37-2.4-3. Purchasing.** -- (a) This section shall not apply with respect to the procurement
25 of any commodity which is available for procurement from an entity established pursuant to
26 chapter 13-7 ("Prisoner Made Goods") or chapter 40-9 ("Services for People who are Blind or
27 Visually Impaired") of the general laws and as provided under subsection (e) of this section and
28 notwithstanding any provision in this chapter or the general or public laws to the contrary, any
29 state agency shall purchase goods and services produced by a habilitation facility using the
30 preferred procurement contract list approved pursuant to subdivision 37-2.4-2(b)(3) providing
31 that:

32 (1) The goods or services offered for sale by a habilitation facility reasonably conform to
33 the needs and specifications of the public procurement unit;

34 (2) The habilitation facility can supply the goods or services within a reasonable time;

1 and

2 (3) The price of the goods or services is reasonably competitive with the cost of
3 procuring the goods or services from another source.

4 (b) If there is no price agreement in place that a state agency plans to use, a price can be
5 negotiated between the habilitation facility that can meet the specifications of the board. The
6 board will make a recommendation to the director of administration.

7 (c) Existing multi-year contracts can continue through their term. New multi-year
8 requirements for services must follow the process for purchasing from the habilitation facility.

9 (d) Each habilitation facility:

10 (1) May submit a price for a product or service to the board at any time and not
11 necessarily in response to a request for bids; and

12 (2) Shall certify on any bid it submits to the board or to a public procurement unit under
13 this section that is claiming a preference under this section.

14 (e) During a fiscal year, the requirement for a public procurement unit to purchase goods
15 and services produced by a habilitation facility under the preferred procurement list under
16 subsections ~~37-2.4-4~~ [37-2.4-3](#)(a), (b) and (c) does not apply if the division of purchasing and
17 general services determines that the total amount of procurement contracts with habilitation
18 facilities has reached three million dollars (\$3,000,000) for that fiscal year. The total amount of
19 procurement contracts can be changed with a recommendation by the board and approval from
20 the director of administration.

21 (f) Any state agency that has awarded a solicitation for goods and services to a certified
22 habilitation facility shall, before the expiration of the term of the contract, renegotiate a fair and
23 reasonable price for the services with the certified habilitation facility that has performed the
24 services for the state agency. The state agency is not permitted to solicit new bids for the product
25 or service unless one of the following occurs:

26 (1) The certified habilitation facility no longer wishes to perform the services for the
27 state agency;

28 (2) The state agency decides to perform the services internally and hires employees who
29 will be employees of the state to perform the services;

30 (3) The state agency no longer needs the service that was provided by the habilitation
31 facility;

32 (4) The habilitation facility has not met the requirements for the services offered; or

33 (5) The habilitation facility and the state agency are unable to agree to fair and
34 reasonable terms of a new contract for the habilitation facility's services during the negotiation

1 process.

2 (g) Any state agency that has awarded a solicitation for services to a certified habilitation
3 facility shall report to the board regarding the progress of the solicitation once a year.

4 SECTION 8. Section 44-7-11 of the General Laws in Chapter 44-7 entitled "Collection of
5 Taxes Generally" is hereby amended to read as follows:

6 **44-7-11. Collectors to furnish statements of liens.** -- (a) Cities, towns or fire districts. -
7 The collector of taxes for any city, town, or fire district shall, on written application by any
8 person, and within five (5) days thereafter, excluding Saturdays, Sundays, and holidays, furnish to
9 the applicant a single certificate of all taxes and other assessments, including water rates and
10 charges, which at the time constitute liens on the parcel of real estate specified in the application
11 and are payable on account of the real estate. The certificate shall be itemized and shall show the
12 amounts payable on account of all taxes and assessments, rates, fees and charges, so far as the
13 amounts are fixed and ascertained, and if the amounts are not then ascertainable, it shall be
14 expressed in the certificate. In addition, the tax certificate shall include: (1) a statement as to
15 whether there are any tax sales scheduled which would affect the parcel of real estate noted in the
16 certificate; and (2) a statement as to whether any of taxes or other assessments noted on the tax
17 certificate as being paid in full were paid as the result of a sale held pursuant to the provisions of
18 chapter 9 of this title within the twelve (12) month period immediately preceding issuance of the
19 certificate. Any city or town officer or board doing any act toward establishing any tax
20 assessment, lien, fees or charge upon any real estate in the city or town shall transmit a notice of
21 that act to the collector of taxes. The collector of taxes shall charge not more than twenty-five
22 dollars (\$25.00) for each certificate so issued, and the money so received shall be paid into the
23 city or town treasury. A certificate issued on or after October 1, 1966, under this section may be
24 filed or recorded with the land evidence records of the city or town in which the real estate shall
25 be situated within sixty (60) days after its date, and if filed or recorded shall operate to discharge
26 the parcel of real estate specified from the liens for all taxes, assessments or portions, rates, fees
27 and charges which do not appear by the certificate to constitute liens, except the taxes,
28 assessments or portions, rates, fees and charges which have accrued within one year immediately
29 preceding the date of the certificate; provided, that they are noted in the certificate, and the taxes,
30 assessments or portions, rates, and charges concerning which a statement has been filed or
31 recorded in the land evidence records. A certificate issued under this section shall not affect the
32 obligation of any person liable for the payment of any tax, assessment, rate, fee, or charge.

33 (b) The fee to be paid for filing the certificate with the registry of deeds is eight dollars
34 (\$8.00).

1 (c) Barrington. - In the town of Barrington, the tax collector shall, upon application for
2 any municipal lien certificate, include and attach to the certificate at no additional fee, a separate
3 motor vehicle excise tax certificate setting forth all motor vehicle excise taxes which at the time
4 are due and payable to the town on account of any owner of any real estate referenced in the
5 application. The closing agent presiding at the closing on any transfer of the real estate shall
6 collect all sums due as set forth on the motor vehicle excise tax certificate and transmit the sums
7 to the tax collector along with the forwarding address of the owner transferring the real estate.

8 (d) Warren. - In the town of Warren, the tax collector shall, upon application for any
9 municipal lien certificate, include and attach to the certificate at no additional fee, a separate
10 motor vehicle excise tax certificate setting forth all motor vehicle excise taxes which at the time
11 are due and payable to the town on account of any owner of any real estate referenced in the
12 application. The closing agent presiding at the closing on any transfer of the real estate shall
13 collect all sums due as set forth on the motor vehicle excise tax certificate and transmit the sums
14 to the tax collector along with the forwarding address of the owner transferring the real estate.

15 (e) Smithfield. - In the town of Smithfield, the tax collector shall, upon application for
16 any municipal lien certificate, include and attach [to](#) the certificate at no additional fee, a separate
17 motor vehicle excise tax certificate setting forth all motor vehicle excise taxes which at the time
18 are due and payable to the town on account of any owner of any real estate referenced in the
19 application. The closing agent presiding at the closing on any transfer of the real estate shall
20 collect the sums due as set forth on the motor vehicle excise tax certificate and transmit the sums
21 to the tax collector along with the forwarding address of the owner transferring any real estate.
22 This section does [not](#) apply to refinancing transactions or to transfers of real estate within a
23 family without consideration.

24 (f) City, town or fire district. - The collector of taxes for any city, town, or fire district
25 may, upon application for any municipal lien certificate, include and attach to the certificate at no
26 additional fee, a separate motor vehicle excise tax certificate setting forth all motor vehicle excise
27 taxes which at the time are due and payable to the town on account of any owner of any real
28 estate referenced in the application. The closing agent presiding at the closing on any transfer of
29 the real estate shall collect all sums due as set forth on the motor vehicle excise tax certificate and
30 transmit the sums to the tax collector along with the forwarding address of the owner transferring
31 any real estate. This section does [not](#) apply to refinancing transactions or to transfers of real estate
32 within a family without consideration.

33 (g) Scituate. - In the town of Scituate, the tax collector shall, upon application for any
34 municipal lien certificate, include and attach to the certificate at no additional fee, a separate

1 motor vehicle excise tax certificate setting forth all motor vehicle excise taxes which at the time
2 are due and payable to the town on account of any owner of any real estate referenced in the
3 application. The closing agent presiding at the closing on any transfer of the real estate shall
4 collect all sums due as set forth on the motor vehicle excise tax certificate and transmit the sums
5 to the tax collector along with the forwarding address of the owner transferring the real estate.

6 (h) Bristol. - In the town of Bristol, the tax collector shall, upon application for any
7 municipal lien certificate, include and attach to the certificate at no additional fee, a separate
8 motor vehicle excise tax certificate setting forth all motor vehicle excise taxes which at the time
9 are due and payable to the town on account of any owner of any real estate referenced in the
10 application. The closing agent presiding at the closing on any transfer of the real estate shall
11 collect all sums due as set forth on the motor vehicle excise tax certificate and transmit the sums
12 to the tax collector along with the forwarding address of the owner transferring the real estate.

13 (i) East Greenwich. - In the town of East Greenwich, the tax collector shall, upon
14 application for any municipal lien certificate, include and attach to the certificate at no additional
15 fee, a separate motor vehicle excise tax certificate setting forth all motor vehicle excise taxes
16 which at the time are due and payable to the town on account of any owner of any real estate
17 referenced in the application. The closing agent presiding at the closing on any transfer of the real
18 estate shall collect the sums due as set forth on the motor vehicle excise tax certificate and
19 transmit the sums to the tax collector along with the forwarding address of the owner transferring
20 any real estate. This section does apply to refinancing transactions or to transfers of real estate
21 within a family without consideration.

22 SECTION 9. Section 8-2-39 of the General Laws in Chapter 8-2 entitled "Superior
23 Court" is hereby amended to read as follows:

24 **8-2-39. General magistrate -- Appointment, duties and powers.** -- (a) There is hereby
25 created within the superior court the position of general magistrate who shall be appointed by the
26 presiding justice of the superior court, with the advice and consent of the senate, for a term of ten
27 (10) years and until a successor is appointed and qualified. Nothing herein shall be construed to
28 prohibit the assignment of the general magistrate to more than one such term, subject to the
29 advice and consent of the senate. The person appointed to serve as general magistrate shall be a
30 member of the bar of Rhode Island. The powers and duties of the general magistrate shall be
31 prescribed in the order appointing him or her.

32 (b) (1) The general magistrate shall assist the court in:

33 (i) The determination of, monitoring, collection, and payment of restitution and court
34 ordered fines, fees, and costs or the ordering of community service in lieu of or in addition to the

1 payment of restitution, fines, fees, and costs, consistent with other provisions of the general laws;

2 (ii) The determination and payment of claims under the violent crimes indemnity fund
3 for the Criminal Injuries Compensation Act of 1972, chapter 25 of title 12;

4 (iii) The determination and payment of claims from the Criminal Royalties Distribution
5 Act of 1983, chapter 25.1 of title 12; and

6 (iv) Such other matters as the presiding justice of the superior court determines are
7 necessary.

8 (2) The chief justice of the supreme court, with the consent of the presiding justice and,
9 if applicable, the chief judge of a particular court, may assign the general magistrate to serve as a
10 magistrate in any court of the unified system. When the general magistrate is so assigned he or
11 she shall be vested, authorized, and empowered with all the powers belonging to the magistrate
12 position to which he or she is specially assigned.

13 (c) The general magistrate will be empowered to hear all motions, pretrial conferences,
14 arraignments, probable cause hearings, bail hearings, bail and probation revocation hearings, and
15 to review all such matters including, but not limited to the above, and to modify the terms and
16 conditions of probation and other court-ordered monetary payments including, but not limited to,
17 the extension of time for probation and court-ordered monetary payments as provided by law.
18 The general magistrate shall have the power to take testimony in connection with all matters set
19 forth herein.

20 (d) The general magistrate may be authorized:

21 (1) To regulate all proceedings before him or her;

22 (2) To do all acts and take all measures necessary or proper for the efficient performance
23 of his or her duties;

24 (3) To require the production before him or her of books, papers, vouchers, documents,
25 and writings;

26 (4) To rule upon the admissibility of evidence;

27 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
28 examine them, and to call parties to the proceeding and examine them upon oath;

29 (6) To adjudicate a person in contempt and to order him or her imprisoned for not more
30 than seventy-two (72) hours, pending review by a justice of the relevant court, for failure to
31 appear in response to a summons or for refusal to answer questions or produce evidence or for
32 behavior disrupting a proceeding;

33 (7) To adjudicate a party in contempt and to order him or her imprisoned for not more
34 than seventy-two (72) hours, pending review by a justice of the relevant court, for failure to

1 comply with a pending order to provide payment or to perform any other act; and

2 (8) To issue a capias and/or body attachment upon the failure of a party or witness to
3 appear after having been properly served and, should the court not be in session, the person
4 apprehended may be detained at the adult correctional institutions, if an adult, or at the Rhode
5 Island training school for youth, if a child, until the next session of the court.

6 (e) A party aggrieved by an order entered by the general magistrate shall be entitled to a
7 review of the order by a justice of the relevant court. Unless otherwise provided in the rules of
8 procedure of the court, such review shall be on the record and appellate in nature. The court shall,
9 by rules of procedure, establish procedures for review of orders entered by a general magistrate,
10 and for enforcement of contempt adjudications of a general magistrate.

11 (f) Final orders of the superior or family court entered in a proceeding to review an order
12 of a general magistrate may be appealed to the supreme court. Final orders of the district court
13 entered in a proceeding to review an order of the general magistrate may be appealed to the
14 superior court.

15 (g) The general magistrate shall:

16 (1) Receive all credits and retirement allowances as afforded justices under chapter 3 of
17 this title and any other applicable law, including without limitation, section 8-3-16;

18 (2) Receive a salary equivalent to that of a district court judge;

19 ~~(3) (Repealed);~~

20 ~~(4)~~(3) Be governed by the commission on judicial tenure and discipline, chapter 16, of
21 this title, in the same manner as justices and judges;

22 ~~(5)~~(4) Be subject to all provisions of the canons of judicial ethics or code of judicial
23 conduct;

24 ~~(6)~~(5) Be subject to all criminal laws relative to judges by virtue of sections 11-7-1 and
25 11-7-2.

26 (h) The provisions of this section shall be afforded liberal construction.

27 (i) The presiding justice of the superior court shall initially appoint such support staff as
28 may be necessary, relating to preparation, investigation, and implementation of the general
29 magistrate's functions. Effective November 15, 1993, the support staff shall be placed under the
30 supervision and management of the superior court, and new appointments or personnel changes in
31 the support staff shall be subject to the directions and approval of the superior court, consistent
32 with any applicable collective bargaining agreements. The general magistrate shall have the
33 power and authority to issue subpoenas and to compel the attendance of witnesses at any place
34 within the state, to administer oaths and to require testimony under oath. The general magistrate,

1 or his or her designee, may serve his or her process or notices in a manner provided for the
2 service of process and notice in civil or criminal actions in accordance with the rules of court.

3 SECTION 10. Sections 8-3-7 and 8-3-8 of the General Laws in Chapter 8-3 entitled
4 "Justices of Supreme, Superior, and Family Courts" are hereby amended to read as follows:

5 **8-3-7. Retirement of justices on reduced pay -- Assignment as associate justices. --**

6 (a) Whenever any person engaged as a judge:

7 (1) On or before ~~July 2, 1997~~ has served as a justice of the supreme court, the superior
8 court, the family court, the district court, or any combination thereof for twenty (20) years, or has
9 so served for ten (10) years and has reached the age of sixty-five (65) years, that justice may
10 retire from active service and thereafter the justice shall receive annually during life a sum equal
11 to three-fourths (3/4) of the annual salary that the justice was receiving at the time of retirement;

12 (2) Subsequent to July 2, 1997 and prior to January 1, 2009, has served as a justice of the
13 supreme court, the superior court, the family court, the district court or any combination thereof,
14 for twenty (20) years, or has so served for ten (10) years and has reached the age of sixty-five
15 (65) years, said justice may retire from active service and thereafter said justice shall receive
16 annually during life a sum equal to three-fourths (3/4) of his or her average highest three (3)
17 consecutive years of compensation;

18 (3) On or after January 1, 2009, has served as a justice of the supreme court, the superior
19 court, the family court, the district court or any combination thereof, for twenty (20) years, or has
20 so served for ten (10) years and has reached the age of sixty-five (65) years, said justice may
21 retire from active service and thereafter said justice shall receive annually during life a sum equal
22 to seventy percent (70%) of his or her average highest three (3) consecutive years of
23 compensation.

24 (4) On or after July 1, 2009, shall have served as a justice of the supreme court, the
25 superior court, the family court, the district court, or any of them for twenty (20) years, or has
26 served for ten (10) years, and reached the age of sixty-five (65) years, said justice may retire from
27 regular active service and thereafter said justice shall receive annually during his or her life a sum
28 equal to sixty-five percent (65%) of his or her average highest five (5) consecutive years of
29 compensation.

30 (b) Whenever a justice or magistrate shall be granted a leave of absence without pay,
31 such absence shall not be credited towards active service time for the purposes of retirement.

32 (c) Any justice in any of the courts who shall retire in accordance with the provisions of
33 this section or section 36-9-5 may, at his or her own request and at the direction of the chief
34 justice of the supreme court, subject to the retiree's physical and mental competence, be assigned

1 to perform such services as an associate justice of the superior court, or the family court, or the
2 district court as the presiding justice of the superior court, or the chief judge of the family court,
3 or the district shall prescribe. When so assigned and performing such service, the justice shall
4 have all the powers and authority of an associate justice of the superior court, the family court, or
5 the district court but otherwise shall have no powers nor be authorized to perform any judicial
6 duties. Such a retired justice shall not be counted in the number of judges provided by law for the
7 superior court, the family court, or the district court.

8 (d) Any justice of the supreme court who shall retire in accordance with the provisions of
9 this section shall at the direction of the chief justice of the supreme court, subject to the retiree's
10 physical and mental competence, be assigned to perform such services as an associate justice of
11 the supreme court as the chief justice of the supreme court shall prescribe. When so assigned and
12 performing such services, the retiree shall have all the powers and authority of an associate justice
13 of the supreme court, but otherwise he or she shall have no powers nor be authorized to perform
14 any judicial duties relating to the supreme court, except as authorized under section 8-1-1. Such a
15 retired justice shall not be counted in the number of justices provided by law for the supreme
16 court.

17 **8-3-8. Retirement of justices on full pay -- Assignment as associate justices. --** (a)
18 Whenever any person engaged as a judge:

19 (1) On or before ~~July 2, 1997~~ shall have served as a justice of the supreme court, the
20 superior court, the family court, the district court, or any of them for twenty (20) years and has
21 reached the age of sixty-five (65) years, or has served for fifteen (15) years, and reached the age
22 of seventy (70) years, that justice may retire from regular active service and thereafter the justice
23 shall receive annually during his or her life a sum equal to the annual salary the justice was
24 receiving at the time of his or her retirement;

25 (2) Subsequent to July 2, 1997 and prior to January 1, 2009, shall have served as a
26 justice of the supreme court, the superior court, the family court, the district court, or any of them
27 for twenty (20) years and has reached the age of sixty-five (65) years, or has served for fifteen
28 (15) years, and reached the age of seventy (70) years, said justice may retire from regular active
29 service and thereafter said justice shall receive annually during his or her life a sum equal to his
30 or her average highest three (3) consecutive years of compensation.

31 (3) On or after January 1, 2009, shall have served as a justice of the supreme court, the
32 superior court, the family court, the district court, or any of them for twenty (20) years and has
33 reached the age of sixty-five (65) years, or has served for fifteen (15) years, and reached the age
34 of seventy (70) years, said justice may retire from regular active service and thereafter said justice

1 shall receive annually during his or her life a sum equal to ninety percent (90%) of his or her
2 average highest three consecutive years of compensation.

3 (4) On or after July 1, 2009, shall have served as a justice of the supreme court, the
4 superior court, the family court, the district court, or any of them for twenty (20) years and has
5 reached the age of sixty-five (65) years, or has served for fifteen (15) years, and reached the age
6 of seventy (70) years, said justice may retire from regular active service and thereafter said justice
7 shall receive annually during his or her life a sum equal to eighty percent (80%) of his or her
8 average highest five (5) consecutive years of compensation.

9 (b) Whenever a justice or magistrate shall be granted a leave of absence without pay,
10 such absence shall not be credited towards active service time for the purposes of retirement.

11 (c) Any justice of any of the courts who shall retire in accordance with the provisions of
12 this section shall at the direction of the chief justice of the supreme court, subject to the retiree's
13 physical and mental competence, be assigned to perform such services as an associate justice of
14 the superior court, or the family court, or the district court as the presiding justice of the superior
15 court, or the chief judge of the family court, or the district court shall prescribe. When so assigned
16 and performing such service, the retiree shall have all the powers and authority of an associate
17 justice of the superior court, the family court, or the district court but otherwise he or she shall
18 have no powers nor be authorized to perform any judicial duties. Such a retired justice shall not
19 be counted in the number of judges provided by law for the superior court, the family court, or the
20 district court.

21 (d) Any justice of the supreme court who shall retire in accordance with the provisions of
22 this section shall at the direction of the chief justice of the supreme court, subject to the retiree's
23 physical and mental competence, be assigned to perform such services as an associate justice of
24 the supreme court as the chief justice of the supreme court shall prescribe. When so assigned and
25 performing such services, the retiree shall have all the powers and authority of an associate justice
26 of the supreme court, but otherwise he or she shall have no powers nor be authorized to perform
27 any judicial duties relating to the supreme court, except as authorized under section 8-1-1. Such a
28 retired justice shall not be counted in the number of justices provided by law for the supreme
29 court.

30 SECTION 11. Sections 8-8-8.1 and 8-8-12 of the General Laws in Chapter 8-8 entitled
31 "District Court" are hereby amended to read as follows:

32 **8-8-8.1. Administrator/clerk -- Magistrate.** -- (a) Administrator/clerk. - There shall be a
33 district court administrator/clerk who shall be appointed by the chief judge in his or her capacity
34 as administrative head of the court, and who shall hold office at the pleasure of the administrative

1 judge. The administrator/clerk shall perform such duties and attend to such matters as may be
2 assigned to the administrator/clerk by the administrative judge, other than those duties assigned to
3 the chief clerk in section 8-8-19. Said duties may be assigned by the chief judge.

4 (b) Magistrate. - Any person holding the position of district court administrator/clerk
5 who is a member of the bar of Rhode Island may be appointed district court magistrate by the
6 chief judge in his or her capacity as administrative head of the court, subject to the advice and
7 consent of the senate. The district court magistrate shall hold said office for a term of ten (10)
8 years and until a successor is appointed and qualified; and the magistrate shall retain whatever
9 right he or she may have to the position of district court administrator/clerk pursuant to this
10 section. Nothing herein shall be construed to prohibit the appointment of the magistrate for more
11 than one term, subject to the advice and consent of the senate. Any person holding office of
12 district court magistrate on July 1, 1999 may continue in full authority in said position until such
13 time as an appointment is made and the nominee qualified pursuant to this subsection.

14 (c) The district court magistrate shall have the power to hear and determine such matters
15 as may be assigned to the district court magistrate by the chief judge all to the same effect as if
16 done by a judge of the district court, including but not limited to:

17 (1) Matters relating to the determination of, monitoring, collection, and payment of
18 restitution and court ordered fines, fees, and costs or the ordering of community service in lieu of
19 or in addition to the payment of restitution, fines, fees, and costs, consistent with other provisions
20 of the general laws;

21 (2) Arraignments and pretrial motions in misdemeanor, petty misdemeanor, violation,
22 and ordinance cases and initial appearances and probable cause hearings in felony cases;

23 (3) Bail hearings pursuant to R.I. Const., Art. I, Sec. IX and all other bail matters
24 pursuant to chapter 13 of title 12 and the rules of criminal procedure, including but not limited to
25 motions to modify bail, bail revocation hearings, bail forfeiture hearings, and bail source
26 hearings;

27 (4) All matters relating to fugitives from justice pursuant to chapter 9 of title 12;

28 (5) Probation revocation hearings;

29 (6) All matters relating to small claims and consumer claims pursuant to chapter 16 of
30 title 10, including any pretrial motions including motions relating to the special service of
31 process, the entry of defaults and default judgments, the trial of such cases and the entry of
32 judgment after such trials, and all matters relating to the enforcement of such judgments,
33 including but not limited to the ordering of installment payments and trustee process; and

34 (7) Complaints for judicial review of the decision of an administrative agency pursuant

1 to chapter 35 of title 42 by making proposed findings of fact and recommendations for the
2 disposition of the complaints to a judge of the court. Any party may object to any portion of the
3 magistrate's proposed findings and recommendations within ten (10) days after receipt of a copy
4 thereof. That party shall file with the clerk of the sixth division of the district court and serve on
5 all parties written objections which shall specifically identify the portions of the proposed
6 findings and recommendations to which objection is made and the basis for the objection. A
7 judge shall make a de novo determination of those portions to which objection is made and may
8 accept, reject, or modify, in whole or in part, the findings or recommendations made by the
9 magistrate. Absent a timely objection filed in accordance with this subdivision, the proposed
10 prevailing party shall, upon expiration of the ten (10) days following the service of the
11 magistrate's proposed findings and recommendations, submit a proposed order for signature of
12 the judge to whom the case has been assigned.

13 ~~(8) [Deleted by P.L. 2008, ch. 1, section 3.]~~

14 (d) The magistrate may be authorized:

15 (1) To regulate all proceedings before him or her;

16 (2) To do all acts necessary or proper for the efficient performance of his or her duties;

17 (3) To require the production before him or her of books, papers, vouchers, documents,
18 and writings;

19 (4) To rule upon the admissibility of evidence;

20 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to
21 examine them, and to call parties to the proceeding and examine them upon oath;

22 (6) To adjudicate a person in contempt and to order him or her fined or to order him or
23 her imprisoned for not more than seventy-two (72) hours, pending review by a judge of the court,
24 for failure to appear in response to a summons or for refusal to answer questions or produce
25 evidence or for behavior disrupting a proceeding or other contempt of his or her authority;

26 (7) To adjudicate a person in contempt and to order him or her fined or to order him or
27 her imprisoned for not more than seventy-two (72) hours, pending review by a judge of the court,
28 for failure to comply with a pending order to provide payment or to perform any other act;

29 (8) To issue a capias and/or body attachment for the failure of a party or witness to
30 appear after having been properly served or given notice by the court and, should the court not be
31 in session, the person apprehended may be detained at the adult correctional institution, if an
32 adult, or at the Rhode Island training school for youth, if a child, until the next session of the
33 court;

34 (9) To issue writs of habeas corpus to bring before him or her or a judge of the court any

1 person in jail or in prison to be examined as a witness in a suit or proceeding, civil or criminal,
2 pending before the court, or whose presence is necessary as a party or otherwise necessary so that
3 the ends of justice may be attained, and for no other purpose; and

4 (10) To issue warrants of arrest and search warrants to the same extent as an associate
5 judge of the court.

6 (e) Except as otherwise indicated, a party aggrieved by an order entered by the district
7 court magistrate shall be entitled to a review of the order, whether by appeal or otherwise, by a
8 judge of the court. The court shall, by rules of procedure, establish procedures for review of
9 contempt and adjudications of the magistrate.

10 (f) The magistrate shall be:

11 (1) Governed by the commission on judicial tenure and discipline, chapter 16 of this
12 title, in the same manner as justices and judges;

13 (2) Subject to all provisions of the canons of judicial ethics;

14 (3) Subject to all criminal laws relative to judges by virtue of sections 11-7-1 and 11-7-2.

15 (g) The provisions of this section shall be afforded liberal construction.

16 **8-8-12. Duties of chief judge.** -- (a) The chief judge shall be the administrative head of
17 the district court and shall be responsible for its operation and the efficient use of its manpower.
18 To this end he or she shall:

19 (1) Hold court in any division when he or she deems it necessary;

20 (2) Assign judges to hold court in the various divisions;

21 (3) Designate the place or places for holding court in each division;

22 (4) Fix the time for holding court in each division and supervise the calendars;

23 (5) Report annually to the chief justice of the supreme court on the state of the business
24 of the district court;

25 (6) Supervise the collection and publication of statistics pertaining to the court;

26 (7) Supervise the management of the records of the court;

27 (8) Determine the time of vacations to be taken by the district judges;

28 (9) Preside over the district court conference and designate the time and place that it
29 shall be held;

30 (10) Promulgate rules and regulations relating to:

31 (i) The licensing of constables to serve certain district court civil process; and

32 (ii) The duties and conduct of licensed constables;

33 ~~(11) [Deleted by P.L. 2007, ch. 154, section 1 and P.L. 2007, ch. 160, section 1].~~

34 (b) The chief judge of the district court may designate an associate judge of the district

1 court as administrative judge of the district court. The administrative judge may exercise such
2 administrative authority as may be delegated to him or her by the chief judge. The administrative
3 judge shall receive an increase in compensation which shall be set pursuant to section 8-15-4.

4 (c) The chief judge of the district court shall appoint sufficient court recorders to enable
5 all proceedings to be recorded by electronic means and who shall assist in such other clerical
6 duties subject to the labor laws of this state and applicable collective bargaining agreement as
7 may be prescribed from time to time by the chief judge of the district court.

8 SECTION 12. Section 8-8.1-1 of the General Laws in Chapter 8-8.1 entitled "Domestic
9 Assault" is hereby amended to read as follows:

10 **8-8.1-1. Definitions.** -- The following words as used in this chapter shall have the
11 following meanings:

12 (1) "Cohabitants" means emancipated minors or persons eighteen (18) years of age or
13 older, not related by blood or marriage, who together are not the legal parents of one or more
14 children, and who have resided together within the preceding three (3) years or who are residing
15 in the same living quarters.

16 (2) "Course of conduct" means a pattern of conduct composed of a series of acts over a
17 period of time, evidencing a continuity of purpose. Constitutionally protected activity is not
18 included within the meaning of "course of conduct."

19 ~~(2)~~(3) "Courts" means the district court.

20 (4) "Cyberstalking" means transmitting any communication by computer to any person or
21 causing any person to be contacted for the sole purpose of harassing that person or his or her
22 family.

23 ~~(3)~~(5) "Domestic abuse" means the occurrence of one or more of the following acts
24 between cohabitants or against the minor child of a cohabitant, or the occurrence of one or more
25 of the following acts between persons who are or have been in a substantive dating or
26 engagement relationship within the past one year or against a minor child in the custody of the
27 plaintiff; "domestic abuse" shall be determined by the court's consideration of the following
28 factors:

- 29 (i) The length of time of the relationship;
30 (ii) The type of the relationship;
31 (iii) The frequency of the interaction between the parties;
32 (iv) Attempting to cause or causing physical harm;
33 (v) Placing another in fear of imminent serious physical harm;
34 (vi) Causing another to engage involuntarily in sexual relations by force, threat of force,

1 or duress; or

2 (vii) Stalking or cyberstalking.

3 (6) "Harassing" means following a knowing and willful course of conduct directed at a
4 specific person with the intent to seriously alarm, annoy, or bother the person, and which serves
5 no legitimate purpose. The course of conduct must be such as would cause a reasonable person to
6 suffer substantial emotional distress, or be in fear of bodily injury.

7 ~~(4)~~(7) "Sole legal interest" means defendant has an ownership interest in the residence
8 and plaintiff does not; or defendant's name is on the lease and plaintiff's is not.

9 ~~(5)~~(8) "Stalking" means harassing another person or willfully, maliciously and
10 repeatedly following another person with the intent to place that person in reasonable fear of
11 bodily injury;

12 ~~(6) "Cyberstalking" means transmitting any communication by computer to any person~~
13 ~~or causing any person to be contacted for the sole purpose of harassing that person or his or her~~
14 ~~family;~~

15 ~~(7) "Harassing" means following a knowing and willful course of conduct directed at a~~
16 ~~specific person with the intent to seriously alarm, annoy, or bother the person, and which serves~~
17 ~~no legitimate purpose. The course of conduct must be such as would cause a reasonable person to~~
18 ~~suffer substantial emotional distress, or be in fear of bodily injury;~~

19 ~~(8) "Course of conduct" means a pattern of conduct composed of a series of acts over a~~
20 ~~period of time, evidencing a continuity of purpose. Constitutionally protected activity is not~~
21 ~~included within the meaning of "course of conduct."~~

22 SECTION 13. Sections 8-8.2-1, 8-8.2-11 and 8-8.2-15 of the General Laws in Chapter 8-
23 8.2 entitled "Traffic tribunal" are hereby amended to read as follows:

24 **8-8.2-1. Establishment -- Rule-making authority -- Adjudication of violations.** -- (a)

25 There is hereby established a traffic tribunal which shall be charged with the administration and
26 adjudication of traffic violations within its jurisdiction. The traffic tribunal shall be under the
27 supervision of the chief magistrate of the traffic tribunal, who shall be the administrative head of
28 the traffic tribunal and shall have the power to make rules for regulating practice, procedure and
29 business within the traffic tribunal. Pursuant to section 8-6-2, said rules shall be subject to the
30 approval of the supreme court. Such rules, when effective, shall supersede any statutory
31 regulation in conflict therewith. Any person who has been a member of the bar of Rhode Island
32 may be appointed chief magistrate of the traffic tribunal. The chief magistrate of the traffic
33 tribunal shall be appointed by the chief justice of the supreme court, with the advice and consent
34 of the senate, for a period of ten (10) years and until a successor is appointed and qualified.

1 Nothing contained herein shall be construed to prohibit the reappointment of the chief magistrate
2 for one or more ten (10) year terms subject to the advice and consent of the senate. Compensation
3 for the chief magistrate shall be equal to that of an associate judge of the district court.

4 (b) The judges and magistrates of the traffic tribunal shall hear and determine cases as
5 provided by law. No district court judge appointed pursuant to chapter 8 of this title shall be
6 assigned to perform duties of a judge or magistrate of the traffic tribunal under this chapter. The
7 chief magistrate of the traffic tribunal may assign a judge or magistrate who is authorized to hear
8 and decide cases in the traffic tribunal to serve as administrative judge or magistrate of the traffic
9 tribunal and the administrative judge or magistrate shall perform such administrative duties as
10 may be delegated to him or her by the chief magistrate. Once assigned to the position, the
11 administrative judge or magistrate shall hold said administrative position for the remainder of his
12 or her respective term as a judge or magistrate of the traffic tribunal.

13 (c) ~~(1)~~ (1) Those judges of the administrative adjudication court in active service on July 1,
14 1999 shall serve within the traffic tribunal. Whenever the total number of judges and magistrates
15 in the traffic tribunal exclusive of the chief magistrate shall be less than seven (7), the chief
16 justice of the supreme court, with the advice and consent of the senate, may, as needed, assign a
17 duly qualified member of the bar of this state to act as a magistrate to fill such vacancy and shall
18 submit his or her name to the senate for confirmation. In the event of a vacancy in the position of
19 chief magistrate, the chief justice of the supreme court shall appoint a successor in accordance
20 with subsection 8-8.2-1(a). Any magistrate assigned under this section shall serve a term of ten
21 (10) years and until a successor is appointed and qualified, and shall be in the unclassified service
22 of the state. Nothing herein shall be construed to prohibit the assignment of a magistrate to more
23 than one such term, subject to the advice and consent of the senate. Compensation for any such
24 magistrate shall be determined by the chief magistrate of the traffic tribunal subject to
25 appropriation by the general assembly but in no event shall the compensation be equal to or more
26 than that of an associate judge of the district court. Magistrates of the traffic tribunal shall
27 participate in the state retirement system in the same manner as all members of the unclassified
28 service.

29 ~~(2)~~ (2) If any judge of the traffic tribunal shall retire, or a vacancy becomes available
30 through death, disability or any other reason, the position shall be filled by a magistrate consistent
31 with the provisions of this section.

32 (d) Each judge and magistrate of the traffic tribunal shall devote full time to his or her
33 judicial duties, except as may be otherwise provided by law. He or she shall not practice law
34 while holding office, nor shall he or she be a partner or associate of any person in the practice of

1 law.

2 (e) Judges and magistrates of the traffic tribunal shall be subject to the provisions of R.I.
3 Const. Art. XI; to the code of judicial conduct or successor code promulgated by the supreme
4 court of this state, to the jurisdiction of the Commission on Judicial Tenure and Discipline in
5 accordance with chapter 16 of this title; and to the administrative authority and control of the
6 chief justice of the supreme court in accordance with chapter 15 of this title, except that sections
7 8-15-3 and 8-15-3.1 shall not apply to judges of the traffic tribunal.

8 (f) The traffic tribunal shall be a tribunal of record and shall have a seal with such words
9 and devices as it shall adopt.

10 (g) Judges and magistrates of the traffic tribunal shall have the power to administer oaths
11 and affirmations.

12 (h) Administrative/supervisory officials. - (1) There shall be an assistant to the
13 administrative magistrate of the traffic tribunal who shall be appointed by and serve at the
14 pleasure of the chief magistrate and who shall perform such clerical and administrative duties as
15 may be assigned to him or her by the chief magistrate of the traffic tribunal and the administrative
16 judge or magistrate of the traffic tribunal. The assistant to the administrative judge or magistrate
17 shall have the power to administer oaths and affirmations within the state.

18 (2) There shall be a clerk of the traffic tribunal who shall be appointed by and serve at
19 the pleasure of the chief magistrate of the traffic tribunal; provided, however, that, effective July
20 1, 1999, the first clerk of the traffic tribunal shall be that person holding the position of
21 administrator/clerk of the administrative adjudication court as of May 1, 1998, and that person
22 shall hold office for the balance of a term of twelve (12) years which began on September 1,
23 1992, without the necessity of appointment by the governor or advice and consent of the senate.
24 The clerk of the traffic tribunal shall exercise his or her functions under the direction and control
25 of the chief magistrate of the traffic tribunal and the administrative judge or magistrate of the
26 traffic tribunal. The clerk of the traffic tribunal shall have the power to administer oaths and
27 affirmations within the state.

28 (i) Clerical Personnel/Court Recorders. - (1) The chief magistrate of the traffic tribunal
29 shall appoint deputy clerks and assistance clerks for the traffic tribunal to serve at his or her
30 pleasure. All such clerks may administer oaths and affirmations within the state.

31 (2) The chief magistrate of the traffic tribunal shall appoint sufficient court recorders to
32 enable all proceedings to be recorded by electronic means and who shall assist in such other
33 clerical duties as may be prescribed from time to time by the chief magistrate of the traffic
34 tribunal.

1 (3) The chief magistrate of the traffic tribunal shall employ such clerical assistants in
2 addition to deputy clerks as may be required in the traffic tribunal to perform clerical duties.

3 **8-8.2-11. Allowance to surviving spouses or domestic partners of deceased judges. –**

4 (a) Whenever any judge of the administrative adjudication court or any judge of the
5 administrative adjudication court who is reassigned by this chapter to the traffic tribunal dies after
6 retirement or during active service while eligible for retirement, the judge's surviving spouse or
7 domestic partner shall receive annually thereafter during his or her lifetime and so long as he or
8 she remains unmarried or not in a domestic partnership, an amount equal to one third (1/3) of the
9 annual payment that the administrative judge was receiving by way of salary or retirement pay at
10 the time of his or her death. Whenever a judge of the administrative adjudication court or any
11 judge of the administrative adjudication court who is reassigned by this act to the traffic tribunal
12 shall die without having become eligible to retire under section 8-8.2-6 and has served ten (10)
13 years or more in office, his or her surviving spouse or domestic partner shall receive annually
14 thereafter during the spouse's or domestic partner's lifetime and so long as he or she remains
15 unmarried or not in a domestic partnership, one fourth (1/4) of the annual salary that the judge
16 was receiving at the time of his or her death.

17 (b) Any judge who retires under the provisions of section 8-8.2-6 may at his or her
18 option elect to receive three fourths (3/4) of his or her retirement pay, and where the option is
19 exercised by giving the general treasurer notice in writing thereof within two (2) years after the
20 date of his or her retirement, his or her surviving spouse or domestic partner shall receive
21 annually one half (1/2) of his or her retirement pay during the spouse's or domestic partner's
22 lifetime so long as he or she remains unmarried or not in a domestic partnership.

23 **8-8.2-15. Transfer of employees. --** All employees of the administrative adjudication
24 court deemed by the chief judge of the district court, with the approval of the chief justice of the
25 supreme court, and subject to the labor laws of this state and any applicable collective bargaining
26 agreement, to be essential to the operation of the traffic tribunal are hereby transferred to the said
27 traffic tribunal. The chief judge of the district court shall, subject to the approval of the chief
28 justice of the supreme court, and subject to any applicable collective bargaining agreement,
29 assign appropriate titles and duties to said employees and shall promulgate a listing of said titles
30 and duties within six (6) months from ~~the effective date of this chapter~~ [July 1, 1999].

31 SECTION 14. Section 8-18-4 of the General Laws in Chapter 8-18 entitled "State and
32 Municipal Court Compact" is hereby amended to read as follows:

33 **8-18-4. Adjudication of summonses by municipal courts. --** (a) All summonses to be
34 adjudicated by a municipal court shall be forwarded to the municipal court.

1 (b) Summonses to be adjudicated by a municipal court shall be adjudicated by a judge of
2 the municipal court pursuant to section 31-41.1-6 and the rules established by the chief magistrate
3 of the traffic tribunal subject to the approval of the supreme court pursuant to section 8-6-2.
4 Municipal courts shall have jurisdiction over matters brought pursuant to section 31-41.1-7.

5 (c) If a motorist fails to appear to answer a summons before a municipal court, the
6 municipal court may proceed pursuant to section 31-41.1-5 to enter a default judgment and
7 determine whether the charges have been established. Where a determination is made that a
8 charge has been established, an appropriate order shall be entered and the motorist's license and
9 registration privileges may be ordered by the municipal court to be suspended by the division of
10 motor vehicles as provided by law.

11 (d) All summonses which have been adjudicated by the municipal court and entered into
12 the data electronic system shall be returned to the traffic tribunal for storage as required by
13 section 8-14-1.

14 (e) All municipal courts shall be courts of record, shall tape record all sessions, maintain
15 dockets, and adjudicate all violations on the summonses and shall be responsible for data entry
16 into an electronic data processing system of all citations heard and decided by said municipal
17 courts pursuant to procedures and rules promulgated by the chief magistrate of the Rhode Island
18 traffic tribunal subject to the approval of the supreme court pursuant to section 8-6-2.

19 (f) Municipal court judges may, in their discretion, order driver retraining courses in
20 appropriate cases.

21 ~~(g) [Deleted by P.L. 1999, ch. 218, art. 5, section 1.]~~

22 ~~(h)~~(g) A thirty-five dollar (\$35.00) hearing fee shall be assessed by both municipal
23 courts and the traffic tribunal against each person pleading guilty to or found guilty of a traffic
24 offense or violation, as provided in the general laws. In no case shall any municipal court
25 exercising jurisdiction pursuant to this chapter impose or assess any fees or costs except as
26 expressly authorized by state law.

27 ~~(h)~~(h) If a payment for any fine assessed in the municipal court for any violation is
28 attempted with a check written against insufficient funds, then an additional penalty not to exceed
29 twenty-five dollars (\$25.00) may be added to the amount due.

30 SECTION 15. Sections 8-19-1 and 8-19-3 of the General Laws in Chapter 8-19 entitled
31 "Language Interpreters - Use of Language Interpreters in Legal Proceedings" are hereby amended
32 to read as follows:

33 **8-19-1. Legislative declaration -- Intent.** – (a) It is hereby declared to be the policy of
34 the state of Rhode Island to guarantee the rights of persons who, because of a non-English

1 speaking background, are unable to readily understand or communicate in the English language,
2 and who consequently need the assistance of an interpreter be fully protected in legal proceedings
3 in criminal matters before the Rhode Island superior court, the Rhode Island district court, and in
4 juvenile matters in the Rhode Island family court. Court interpretation requires not only a full
5 command of two (2) languages, but also a knowledge of courtroom procedure, legal vocabulary,
6 the overall court and legal systems, and an understanding that the role of an interpreter consists
7 not of abridging or editorializing, but of exactly interpreting every word that is spoken without
8 emendation or amendment.

9 (b) It is the intent of the legislature, by the enactment of this chapter, to provide
10 interpreters to non-English speaking persons in criminal proceedings before the state courts in
11 Rhode Island and to establish a procedure for the certification and appointment of interpreters.

12 **8-19-3. Appointment of state certified or qualified interpreters.** -- (a) When a non-
13 English speaking person is a party to a defined legal proceeding, the appointing authority shall, in
14 the absence of written waiver by such person, appoint a state certified interpreter to assist such
15 person during the legal proceeding. Pursuant to section 8-19-5, the state department of higher
16 education and the state court administrator's office shall maintain a list of Rhode Island state
17 certified interpreters from which the appointing authority shall make its appointments.

18 (b) The appointing authority may appoint a qualified interpreter in place of a state
19 certified interpreter when:

20 (1) A good faith effort has been made to locate and obtain the services of a state certified
21 interpreter and one is not available; and

22 (2) The appointing authority makes a finding that the proposed qualified interpreter
23 appears to have adequate language skills, knowledge of interpreting techniques, familiarity with
24 interpreting in a court or hearing, and that he/she has read, understands, and will abide by an
25 established code of ethics for language interpreters pursuant to this chapter; and

26 (3) The proceeding is one of a preliminary nature and of a short duration. Proceedings of
27 a preliminary nature may include but not be limited to:

28 ~~(a)~~(i) Arraignments;

29 ~~(b)~~(ii) Costs, restitution, and/or fine reviews;

30 ~~(c)~~(iii) Probation reviews;

31 ~~(d)~~(iv) Preliminary hearings on pretrial motions;

32 ~~(e)~~(v) Appearances before the court on bench warrants or arrest warrants.

33 (c) If any relationship between the interpreter and any of the parties, attorneys,
34 witnesses, victims or any other persons involved in the proceeding exists, the nature of that

1 relationship shall be disclosed to the appointing authority on the record and the appointing
2 authority may in its discretion excuse the interpreter from said proceeding.

3 SECTION 16. Section 9-1-48 of the General Laws in Chapter 9-1 entitled "Causes of
4 Action" is hereby amended to read as follows:

5 **9-1-48. Immunity from civil liability -- Sports teams.** -- (a) Notwithstanding any
6 provisions of law to the contrary, except as otherwise provided in subsection (c) of this section,
7 no person who, without compensation and as a volunteer, renders services as a manager, coach,
8 instructor, umpire, referee, or official or who, without compensation and as a volunteer, assists a
9 manager, coach, instructor, umpire, referee, or official in a youth sports program organized and
10 conducted by or under the auspices of a nonprofit corporation, and no director, trustee, officer, or
11 employee of a nonprofit corporation which organizes, conducts, or sponsors a youth sports
12 program, shall be liable to any person for any civil damages as a result of any acts or omissions in
13 the rendering of such services or assistance or in the organization, conduct, or sponsorship of the
14 youth sports program unless the acts or omissions of the person were committed in willful,
15 wanton, or reckless disregard for the safety of the participants in the youth sports program. It shall
16 be insufficient to impose liability upon any such person to establish only that the conduct of the
17 person fell below ordinary standards of care.

18 (b) Notwithstanding any provisions of law to the contrary, except as otherwise provided
19 in subsection (c) of this section, no person who renders services as a manager, coach, instructor,
20 umpire, referee, or official or who assists a manager, coach, instructor, umpire, referee, or official
21 in an interscholastic or intramural sports program organized and conducted in accordance with
22 and subject to the rules, regulations, and jurisdiction of the Rhode Island interscholastic league,
23 the committee on junior high school athletics, and/or the board of regents for elementary and
24 secondary education shall be liable to any person for any civil damages as a result of any acts or
25 omissions in the rendering of such services or assistance unless the acts or omissions of the
26 person were committed in willful, wanton, or reckless disregard for the safety of the participants
27 in the interscholastic or intramural sports program.

28 (c) Nothing in this section shall be deemed to grant immunity to any person, corporation,
29 or other entity who or which causes injury or damage as the result of the negligent operation of a
30 motor vehicle.

31 (d) For purposes of this section:

32 (1) "Compensation" shall not include reimbursement for reasonable expenses actually
33 incurred or to be incurred or, solely in the case of umpires, referees, or other game officials, a
34 modest honorarium.

1 (2) "Nonprofit corporation" shall include any nonprofit corporation or nonprofit
2 association organized under the law of this state, or of any other state, or of the United States,
3 which is authorized to do business in this state.

4 ~~(3)~~ (3) "Youth sports program" shall include any program organized for recreational
5 athletic competition, and/or instruction and whose participants are nineteen (19) years of age or
6 younger or physically or mentally disabled regardless of age.

7 ~~(2) "Compensation" shall not include reimbursement for reasonable expenses actually~~
8 ~~incurred or to be incurred or, solely in the case of umpires, referees, or other game officials, a~~
9 ~~modest honorarium.~~

10 ~~(3) "Nonprofit corporation" shall include any nonprofit corporation or nonprofit~~
11 ~~association organized under the law of this state, or of any other state, or of the United States,~~
12 ~~which is authorized to do business in this state.~~

13 SECTION 17. Section 9-1.1-2 of the General Laws in Chapter 9-1.1 entitled "The State
14 False Claim Act" is hereby amended to read as follows:

15 **9-1.1-2. Definitions.** -- As used in this chapter:

16 (1) "Custodian" means the custodian, or any deputy custodian, designated by the attorney
17 general under section 9-1.1-6 of the Rhode Island general laws.

18 (2) "Documentary material" includes the original or any copy of any book, record, report,
19 memorandum, paper, communication, tabulation, chart, or other document, or data compilations
20 stored in or accessible through computer or other information retrieval systems, together with
21 instructions and all other materials necessary to use or interpret such data compilations, and any
22 product of discovery.

23 (3) "Guard" means the Rhode Island National Guard.

24 (4) "Investigation" means any inquiry conducted by any investigator for the purpose of
25 ascertaining whether any person is or has been engaged in any violation of this chapter.

26 (5) "Investigator" means a person who is charged by the Rhode Island attorney general,
27 or his or her designee with the duty of conducting any investigation under this act, or any officer
28 or employee of the State acting under the direction and supervision of the department of attorney
29 general.

30 (6) "Product of discovery" includes:

31 (i) The original or duplicate of any deposition, interrogatory, document, thing, result of
32 the inspection of land or other property, examination, or admission, which is obtained by any
33 method of discovery in any judicial or administrative proceeding of an adversarial nature;

34 (ii) Any digest, analysis, selection, compilation, or derivation of any item listed in

1 [paragraph \(i\); and](#)

2 [\(iii\) Any index or other manner of access to any item listed in paragraph \(i\).](#)

3 ~~(a)(8) "State" means the state of Rhode Island; any agency of state government; and any~~
4 ~~political subdivision meaning any city, town, county or other governmental entity authorized or~~
5 ~~created by state law, including public corporations and authorities.~~

6 ~~(b) "Guard" means the Rhode Island National Guard.~~

7 ~~(c) "Investigation" means any inquiry conducted by any investigator for the purpose of~~
8 ~~ascertaining whether any person is or has been engaged in any violation of this chapter.~~

9 ~~(d) "Investigator" means a person who is charged by the Rhode Island attorney general,~~
10 ~~or his or her designee with the duty of conducting any investigation under this act, or any officer~~
11 ~~or employee of the State acting under the direction and supervision of the department of attorney~~
12 ~~general.~~

13 ~~(e) "Documentary material" includes the original or any copy of any book, record, report,~~
14 ~~memorandum, paper, communication, tabulation, chart, or other document, or data compilations~~
15 ~~stored in or accessible through computer or other information retrieval systems, together with~~
16 ~~instructions and all other materials necessary to use or interpret such data compilations, and any~~
17 ~~product of discovery.~~

18 ~~(f) "Custodian" means the custodian, or any deputy custodian, designated by the attorney~~
19 ~~general under section 9-1.1-6 of the Rhode Island general laws.~~

20 ~~(g) "Product of discovery" includes:~~

21 ~~(1) The original or duplicate of any deposition, interrogatory, document, thing, result of~~
22 ~~the inspection of land or other property, examination, or admission, which is obtained by any~~
23 ~~method of discovery in any judicial or administrative proceeding of an adversarial nature;~~

24 ~~(2) Any digest, analysis, selection, compilation, or derivation of any item listed in~~
25 ~~paragraph (1); and~~

26 ~~(3) Any index or other manner of access to any item listed in paragraph (1).~~

27 SECTION 18. Section 9-31-2.1 of the General Laws in Chapter 9-31 entitled
28 "Governmental Tort Liability" is hereby amended to read as follows:

29 **9-31-2.1. Limitation of damages -- State -- Commuter rail service.** – (a) Agreements
30 between the state and a railroad for the provision of commuter rail service shall provide that the
31 state shall secure and maintain a liability insurance policy covering the liability of the state and
32 the railroad for property damage, personal injury, bodily injury and death arising out of such
33 commuter rail service. Such policy shall name the state as named insured, and the railroad as an
34 additional insured, shall have policy limits of not less than seventy-five million dollars

1 (\$75,000,000) per occurrence annually and seventy-five million dollars (\$75,000,000) in the
2 aggregate annually, and shall be subject to self-insured retention in an amount not less than seven
3 million five hundred thousand dollars (\$7,500,000). In no event shall the state or the railroad be
4 liable in excess of the coverage limits of such insurance policy for any and all claims for damage,
5 whether compensatory or punitive, for property damage, personal injury, bodily injury and death
6 arising out of such commuter rail service.

7 (b) For the purposes of this section, the term "railroad" shall include any person, railroad
8 corporation or other legal entity in the business of providing rail transportation which contracts
9 with the state for the provision of commuter rail services and the term "commuter rail service",
10 shall include all services performed by a railroad pursuant to a contract with the state in
11 connection with the transportation of rail passengers including, but not limited to, the operation of
12 trains, trackage and equipment, or the construction, reconstruction or maintenance of railroad
13 equipment, tracks and any appurtenant facilities or the provision of trackage rights over lines
14 owned by any such railroad.

15 SECTION 19. Sections 23-27.3-100.1.5.1, 23-27.3-102, 23-27.3-106 and 23-27.3-120.3
16 of the General Laws in Chapter 23-27.3 entitled "State Building Code" are hereby amended to
17 read as follows:

18 **23-27.3-100.1.5.1. Housing and maintenance code -- Powers and duties of the**
19 **building code standards committee.** -- (a) The committee shall have the authority to adopt and
20 promulgate a housing and maintenance code which shall be reasonably consistent with
21 recognized and accepted standards and codes promoted by national model code organizations.
22 The code shall be submitted to the legislature for adoption and amendments as required. Once
23 adopted by the legislature, the law shall not be amended by the cities and towns. The committee
24 shall have the singular authority to submit further amendments to the legislature as required.
25 These new provisions shall replace, and/or amend the existing provisions of the Minimum
26 Housing Standards, chapter 24.2 of title 45, and the Housing, Maintenance and Occupancy Code,
27 chapter 24.3 of title 45. Once adopted by the legislature, the laws shall not be amended by the
28 cities and towns without prior approval of the committee and subsequently the legislature. The
29 state housing and property maintenance code subcommittee shall carry out its responsibilities to
30 the building code standards committee by acting as an entity of the committee in administering
31 the code, by recommending needed code amendments, by promulgating the code, and by serving
32 as the board of standards and appeals for the code.

33 (b) The subcommittee shall also have a recording secretary who shall attend all meetings
34 and direct the conduct of any investigation which may be necessary in the preparation of any

1 hearing. The recording secretary shall be a member of the classified service on the staff of the
2 state building commissioner and shall be compensated as appropriate for the expertise required.
3 The administration and appeals procedures pertaining to these laws shall remain in the
4 prerogatives of the local municipalities and the legislature.

5 (c) Within ninety (90) days after the end of each fiscal year, the committee shall approve
6 and submit an annual report to the governor, the speaker of the house of representatives, the
7 president of the senate, and the secretary of state, of its activities during that fiscal year. The
8 report shall provide: an operating statement summarizing meetings or hearings held, including
9 meeting minutes, subjects addressed, decisions rendered, applications considered and their
10 disposition, rules or regulations promulgated, studies conducted, policies and plans developed,
11 approved, or modified, and programs administered or initiated; a consolidated financial statement
12 of all funds received and expended including the source of the funds, a listing of any staff
13 supported by these funds, and a summary of any clerical, administrative or technical support
14 received; a summary of performance during the previous fiscal year including accomplishments,
15 shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal
16 matters related to the authority of the committee; a summary of any training courses held
17 pursuant to this chapter; a briefing on anticipated activities in the upcoming fiscal year, and
18 findings and recommendations for improvements. The report shall be posted electronically on the
19 websites of the general assembly and the secretary of state pursuant to the provisions of section
20 42-20-8.2. The director of the department of administration shall be responsible for the
21 enforcement of the provisions of this section.

22 (d) To conduct a training course for newly appointed and qualified members within six
23 (6) months of their qualification or designation. The course shall be developed by the chair of the
24 committee, be approved by the committee, and be conducted by the chair of the committee. The
25 committee may approve the use of any committee and/or staff members and/or individuals to
26 assist with training. The training course shall include instruction in the following areas: the
27 provisions of chapters 42-46, 36-14 and 38-2; and the committee's rules and regulations. The
28 director of the department of administration shall, within ninety (90) days of ~~the effective date of~~
29 ~~this act~~ [June 16, 2006] prepare and disseminate training materials relating to the provisions of
30 chapters 42-46, 36-14, and 38-2.

31 **23-27.3-102.0 Ordinary repairs.** – (a) Ordinary repairs to buildings and structures may
32 be made without application or notice to the building official, but the repairs shall not include:

33 (1) The installation of any siding;

34 (2) The cutting away of any wall, partition or portion of the wall;

- 1 (3) The removal or cutting away of any structural beam or bearing support;
- 2 (4) The removal or change of any required means of egress;
- 3 (5) Rearrangement of parts of a structure affecting the exitway requirements;
- 4 (6) Alteration of, replacement or relocation of any standard pipe, water supply, sewer,
- 5 drainage, drain leader, gas, soil, waste, vent or similar piping;
- 6 (7) Electric wiring;
- 7 (8) Mechanical or other work which affects public health, safety or welfare.

8 (b) All work not classified as ordinary repair shall comply with the rules and regulations
9 or ordinances of the municipality as to the procurement of a permit for these repairs.

10 **23-27.3-106.0. Existing structures.** -- (a) (1) Except as provided in this section, existing
11 buildings or structures when altered, renovated, reconstructed or repaired or a change of use
12 occurs as specified in this section shall be made to conform to the requirements of the
13 rehabilitation building and fire code for existing buildings and structures. See chapters 2 through
14 34 of regulation SBC-1 for new buildings.

15 (2) Except as provided for in the rehabilitation building and fire code for existing
16 buildings and structures, the alternative procedures of SBC-1, chapter 34, entitled Repair,
17 Alteration, Addition to, and Change of Use of Existing Buildings, may be used in lieu of the
18 provisions of this section for all existing buildings in which there is work involving repairs,
19 alterations, additions, or changes of use and occupancy.

20 (b) Flood resistant construction for buildings or structures in flood hazard areas. - In
21 order to determine the percentage between the costs for alterations, renovations, reconstruction
22 and repairs and the physical value of the building or structure, to establish whether a substantial
23 improvement or a substantial damage occurs, the building official shall exclude the alteration,
24 renovation, reconstruction and repair cost of the following items:

- 25 ~~(1) All nonpermit items such as painting, decorating, landscaping, fees, and the like.~~
- 26 ~~(2) [Deleted by P.L. 2001, ch. 232, section 1.]~~
- 27 ~~(c) [Deleted by P.L. 2001, ch. 232, section 1.]~~
- 28 ~~(d) [Deleted by P.L. 2001, ch. 232, section 1.]~~

29 **23-27.3-120.3. Existing buildings.** – (a) Upon written request from the owner of an
30 existing building, the building official shall issue a certificate of use and occupancy, provided
31 there are no violations of law or orders of the building official or the fire official pending, and it is
32 established after inspection and investigation that the alleged use of the building has heretofore
33 existed. Nothing in this code shall require the removal, alteration, or abandonment of, or prevent
34 the continuance of the use and occupancy of, a lawfully existing building, unless the use is

1 deemed to endanger public safety and welfare. In addition, the written request from the owner of
2 any property serviced by a private well shall be accompanied by documentation which
3 demonstrates compliance with the drinking water testing requirements and the drinking water
4 standard for coliform bacteria, fluoride, lead, nitrate and nitrite for private wells established by
5 the director of health. A city or town may require additional testing and compliance with quality
6 standards established pursuant to ~~section~~ subdivision 23-1-5.3(6). Testing results which show that
7 a private well is not in compliance with one or more of these drinking water quality standards
8 shall be sufficient to deem the private well as a danger to public safety and welfare, and shall
9 require corrective action before the certificate of use and occupancy can be issued.

10 (b) Corrective action will be required within thirty (30) days. The property owner may
11 appeal to the Town Building Code Board of Appeals for a ninety (90) day extension, or give other
12 just cause why the water well should remain in service for an extended period of time.

13 (c) If a registered engineer or otherwise qualified professional certifies no currently
14 available treatment system will adequately treat the water to meet the potability requirement, the
15 property owner can appeal to the Town Building Code Board of Appeals for an exemption from
16 the private well potability requirement until such time a public water supply becomes available.
17 This exemption will expire after five (5) years, renewable by appeal only.

18 SECTION 20. Sections 23-28.01-2 and 23-28.01-5 of the General Laws in Chapter 23-
19 28.01 entitled "Comprehensive Fire Safety Act" are hereby amended to read as follows:

20 **23-28.01-2. Legislative findings.** -- The general assembly finds and declares that:

21 ~~(a)~~(1) Fires are a significant and preventable cause of the loss of life in the state;

22 ~~(b)~~(2) Catastrophic fires, while rare, have happened in the state with tragic loss of life;

23 ~~(c)~~(3) Fire safety and building codes can provide standards that substantially reduce the
24 risk of death, injury, and property damage caused by fires;

25 ~~(d)~~(4) Compliance with codes is critical to their being an effective means for achieving
26 the reduction of both risks and losses;

27 ~~(e)~~(5) Codes are more effective when they are comprehensive in their application, up-to-
28 date, and integrated;

29 ~~(f)~~(6) Rhode Island has a long history of developing, adopting, and implementing codes
30 as conditions in the state have changed and the means and practice of fire safety have evolved;
31 and

32 ~~(g)~~(7) Rhode Island, in 2003, wishes in response to the tragic fire at "The Station"
33 nightclub, in West Warwick, to improve fire safety throughout the state.

34 **23-28.01-5. Planning and reporting.** – (a) The system of fire safety codes, compliance,

1 enforcement, and education, shall be regularly reviewed in order to maintain the use of best
2 practices throughout Rhode Island and to plan for and implement professional, comprehensive,
3 efficient and effective fire safety measures in the state.

4 ~~(a)~~(b) The fire marshal shall, in conjunction with the fire safety code board of appeal and
5 review, the building code commission, the department of health, the economic development
6 corporation, the department of elementary and secondary education, and representatives of local
7 fire departments, prepare and approve by February 20, 2004, a comprehensive plan setting forth
8 goals and implementation measures for improving fire safety in Rhode Island, which plan shall
9 include recommendations regarding public, fire safety education. The plan may be periodically
10 reviewed and amended and shall be updated at least once every five (5) years. The plan, and any
11 amendments and updates, shall be submitted to the governor, the speaker of the house and the
12 president of the senate. A copy of the plan shall be provided to the secretary of state, and the
13 report shall be posted on the website of the fire marshal.

14 ~~(b)~~(c) The fire marshal shall submit a report on or before February 1, 2005, and annually
15 not later than February 1 in each year thereafter, to the governor, the speaker of the house and the
16 president of the senate on fire safety in Rhode Island, summarizing the incidence of fires in
17 Rhode Island, describing the status of fire safety efforts in Rhode Island and progress toward
18 meeting goals set forth in the five (5) year plan, and recommending actions for improving fire
19 safety. A copy of the report shall be provided to the secretary of state, and the report shall be
20 posted on the website of the fire marshal.

21 ~~(e)~~(d) In order to increase public information about fire risks in places of assembly, the
22 fire marshal shall make public the repeat and/or uncorrected fire safety code violations of all
23 places of assembly that are classified as nightclubs and provide this information on a website,
24 effective February 20, 2004.

25 SECTION 21. Sections 23-28.2-20.1 and 23-28.2-23 of the General Laws in Chapter 23-
26 28.2 entitled "Division of Fire Safety" are hereby amended to read as follows:

27 **23-28.2-20.1. Notices of violation.** – (a) The fire marshal and persons designated
28 specifically in writing by the fire marshal shall have the power to issue notices of violation as
29 herein provided for, and the powers herein established shall be in addition to other powers of
30 inspection and enforcement of the Fire Safety Code provided for in this title. The fire marshal or
31 authorized designee of the fire marshal shall have the power to give notice of an alleged violation
32 of law to the person responsible therefor whenever the fire marshal or authorized designee
33 determines that there are reasonable grounds to believe that there is a violation of any provision
34 of law within his or her jurisdiction or of any rule or regulation adopted pursuant to authority

1 granted to him or her and/or the Fire Safety Code Board of Appeal and Review, unless other
2 notice and hearing procedure is specifically provided by that law. Nothing in this chapter shall
3 limit the authority of the attorney general to prosecute offenders as required by law.

4 ~~(a)~~(b) The notice shall provide for the time the alleged violation shall be remedied, and
5 shall inform the person to whom it is directed that a written request for a hearing on the alleged
6 violation may be filed with the fire safety code board of appeal and review within thirty (30) days
7 after service of the notice. The notice will be deemed properly served upon a person if a copy
8 thereof is served him or her personally, by the authority having jurisdiction or any other person
9 having authority to serve process, or sent by registered or certified mail to his or her last known
10 address, or if he or she is served with notice by any other method of service now or hereafter
11 authorized in a civil action under the laws of this state. If no written request for a hearing is made
12 to the Fire Safety Code Board of Appeal and Review within thirty (30) days of the service of
13 notice, the notice shall automatically become a compliance order. The authority issuing the notice
14 of violation shall have the power to extend in writing the time in which the alleged violation shall
15 be remedied if the authority shall find, to the authority's satisfaction, that a good faith effort is
16 being made to remedy the violation, and that the extension of time to remedy the violation will
17 not result in a significant threat to life safety.

18 ~~(b) [Deleted by P.L. 2004, ch. 220, section 3 and by P.L. 2004, ch. 225, section 3.]~~

19 (c) If a person upon whom a notice of violation has been served under the provisions of
20 this section or if a person aggrieved by any such notice of violation requests a hearing before the
21 Fire Safety Code Board of Appeal and Review within thirty (30) days of the service of notice of
22 violation, the Board shall set a time and place for the hearing, and shall give the person requesting
23 that hearing notice as outlined in section 23-28.3-5 of this title. After the hearing, the Board may
24 make findings of fact and shall sustain, modify, or withdraw the notice of violation. If the Board
25 sustains or modifies the notice, that decision shall be deemed a compliance order and shall be
26 served upon the person responsible in any manner provided for the service of the notice in this
27 section.

28 (d) The compliance order shall state a time within which the violation shall be remedied,
29 and the original time specified in the notice of violation shall be extended to the time set in the
30 order.

31 (e) Whenever a compliance order has become effective, whether automatically where no
32 hearing has been requested, or upon decision following a hearing, the fire marshal may institute
33 injunction proceedings in the district court of the state for enforcement of the compliance order
34 and for appropriate temporary relief, and in that proceeding the correctness of a compliance order

1 shall be presumed and the person attacking the order shall bear the burden of proving error in the
2 compliance order. The remedy provided for in this section shall be cumulative and not exclusive
3 and shall be in addition to remedies relating to the removal or abatement of nuisances or any
4 other remedies provided by law. The district court shall have full equity power to hear and
5 address these matters.

6 (f) Any party aggrieved by a final judgment of the district court may, within thirty (30)
7 days from the date of entry of such judgment, petition the supreme court for a writ of certiorari to
8 review any questions of law. The petition shall set forth the errors claimed. Upon the filing of the
9 petition with the clerk of the supreme court, the supreme court may, if it sees fit, issue its writ of
10 certiorari.

11 **23-28.2-23. Fire education and training coordinating board.** -- (a) There is hereby
12 created within the division of fire safety a fire education and training coordinating board
13 comprised of thirteen (13) members appointed by the governor with the advice and consent of the
14 senate. In making said appointments, the governor shall give due consideration to including in the
15 board's membership representatives of the following groups:

16 (1) Chiefs of fire departments with predominately fully paid personnel, defined as
17 departments in which the vast majority of members are full-time, salaried personnel.

18 (2) Chiefs of fire departments with part paid/combo personnel, defined as
19 departments in which members consist of both full-time salaried personnel and a large percentage
20 of volunteer or call personnel.

21 (3) Chiefs of fire departments with predominately volunteer personnel, defined as
22 departments in which the vast majority of members respond voluntarily and receive little or no
23 compensation.

24 (4) Rhode Island firefighters' instructor's association.

25 (5) Rhode Island department of environmental management.

26 (6) Rhode Island fire safety association.

27 (7) Rhode Island state firefighter's league.

28 (8) Rhode Island association of firefighters.

29 (9) Regional firefighters leagues.

30 (b) The state fire marshal and the chief of training and education shall serve as ex-officio
31 members.

32 (c) Members of the board as of ~~the effective date of this act~~ [March 29, 2006] shall
33 continue to serve for the balance of their current terms. Thereafter, members shall be appointed to
34 three (3) year terms. No person shall serve more than two (2) consecutive terms, except that

1 service on the board for a term of less than two (2) years resulting from an initial appointment or
2 an appointment for the remainder of an unexpired term shall not constitute a full term.

3 (d) Members shall hold office until a successor is appointed, and no member shall serve
4 beyond the time he or she ceases to hold office or employment by reason of which he or she was
5 eligible for appointment.

6 (e) All gubernatorial appointments made after ~~the effective date of this act~~ [March 29,
7 2006] shall be subject to the advice and consent of the senate. No person shall be eligible for
8 appointment to the board after ~~the effective date of this act~~ [March 29, 2006] unless he or she is a
9 resident of this state.

10 (f) Members shall serve without compensation, but shall receive travel expenses in the
11 same amount per mile approved for state employees.

12 (g) The board shall meet at the call of the chairperson or upon written petition of a
13 majority of the members, but not less than six (6) times per year.

14 (h) Staff support to the board will be provided by the state fire marshal.

15 (i) The board shall:

16 (1) Establish bylaws to govern operational procedures not addressed by legislation.

17 (2) Elect a chairperson and vice-chairperson of the board in accordance with bylaws to
18 be established by the board.

19 (3) Develop and offer training programs for fire fighters and fire officers based on
20 applicable NFPA standards used to produce training and education courses.

21 (4) Develop and offer state certification programs for instructors based on NFPA
22 standards.

23 (5) Monitor and evaluate all programs to determine their effectiveness.

24 (6) Establish a fee structure in an amount necessary to cover costs of implementing the
25 programs.

26 (7) Within ninety (90) days after the end of each fiscal year, approve and submit an
27 annual report to the governor, the speaker of the house of representatives, the president of the
28 senate, and the secretary of state of its activities during that fiscal year. The report shall provide:
29 an operating statement summarizing meetings or hearing held, including meeting minutes,
30 subjects addressed, decisions rendered, rules or regulations promulgated, studies conducted,
31 policies and plans developed, approved or modified and programs administered or initiated; a
32 consolidated financial statement of all funds received and expended including the source of the
33 funds, a listing of any staff supported by these funds, and a summary of any clerical,
34 administrative or technical support received; a summary of performance during the previous

1 fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings,
2 complaints, suspensions, or other legal matters related to the authority of the council; a summary
3 of any training courses held pursuant to the provisions of this section; a briefing on anticipated
4 activities in the upcoming fiscal year and findings and recommendations for improvements. The
5 report shall be posted electronically on the general assembly and secretary of state's websites as
6 prescribed in section 42-20-8.2. The director of the department of administration shall be
7 responsible for the enforcement of the provisions of this subsection.

8 (8) Conduct a training course for newly appointed and qualified members within six (6)
9 months of their qualification or designation. The course shall be developed by the chair of the
10 board, approved by the board, and conducted by the chair of the board. The board may approve
11 the use of any board or staff members or other individuals to assist with training. The training
12 course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14,
13 and 38-2; and the commission's rules and regulations. The state fire marshal shall, within ninety
14 (90) days of March 29, 2006, prepare and disseminate training materials relating to the provisions
15 of chapters 42-46, 36-14, and 38-2.

16 (j) In an effort to prevent potential conflicts of interest, any fire education and training
17 coordinating board member shall not simultaneously serve as a paid instructor and/or
18 administrator within the fire education and training unit.

19 (k) A quorum for conducting all business before the board, shall be at least seven (7)
20 members.

21 (l) Members of the board shall be removable by the governor pursuant to the provisions
22 of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or
23 personal reasons unrelated to capacity or fitness for the office shall be unlawful.

24 SECTION 22. Section 23-28.3-1 of the General Laws in Chapter 23-28.3 entitled "Fire
25 Safety Code Board of Appeal and Review" is hereby amended to read as follows:

26 **23-28.3-1. Definitions.** -- When used in this chapter:

27 (1) "Amendment" means any modification or change in the code that shall be
28 formulated, adopted, and issued by the board;

29 (2) "[Blanket variance](#)" means [generalized relief from any provision of the fire safety](#)
30 [code, including, but not limited to, time deadlines, when, in the opinion of the fire safety code](#)
31 [board, these provisions have been rendered obsolete and/or impose an unanticipated,](#)
32 [unreasonable hardship upon the general public, and the board finds that the decision to grant a](#)
33 [blanket variance will not conflict with the general objectives of the code. All blanket variances](#)
34 [shall only be effective until the next code adoption process by the board;](#)

1 ~~(2)~~(3) "Board" means the fire safety code board created by this chapter;

2 ~~(3)~~(4) "Building" includes new and existing buildings and facilities, except private
3 dwellings occupied by one, two (2), or three (3) families, in the various cities and towns in this
4 state;

5 ~~(4)~~(5) "Code" means the minimum standard body of rules for fire safety known as the
6 Fire Safety Code, chapters 28.1 -- 28.39 of this title, or the rehabilitation building and fire code
7 for existing buildings and structures, chapter 29.1 of this title;

8 ~~(5)~~(6) "Variation or variance " means a special limited modification or change in the
9 code, including, but not limited to, time deadlines, which is applicable only to a particular type of
10 building, structure, facility, regulated process or hazardous activity upon the petition of the person
11 owning the building, structure, or facility, or maintaining the regulated process or hazardous
12 activity. All variances shall be, to the extent practicable, in keeping with recognized national
13 standards. ~~;~~ ~~and~~

14 ~~(6) "Blanket variance" means generalized relief from any provision of the fire safety~~
15 ~~code, including, but not limited to, time deadlines, when, in the opinion of the fire safety code~~
16 ~~board, these provisions have been rendered obsolete and/or impose an unanticipated,~~
17 ~~unreasonable hardship upon the general public, and the board finds that the decision to grant a~~
18 ~~blanket variance will not conflict with the general objectives of the code. All blanket variances~~
19 ~~shall only be effective until the next code adoption process by the board.~~

20 SECTION 23. Section 23-28.4-5.1 of the General Laws in Chapter 23-28.4 entitled
21 "Safety and Health Programs for Fire Departments" is hereby amended to read as follows:

22 **23-28.4-5.1. NFPA 1500 Implementation Plan Review Committee -- Creation and**

23 **membership.** - (a) There is hereby created a NFPA 1500 Implementation Plan Review
24 Committee consisting of three (3) members: one (+) of whom shall be appointed by the Rhode
25 Island League of Cities and Towns, one (+) of whom shall be appointed by the Rhode Island State
26 Association of Fire Fighters, and one (+) of whom shall be appointed by the Rhode Island Fire
27 Chiefs' Association. The terms of all members shall be for four (4) years.

28 (b) The NFPA Implementation Plan Review Committee shall meet at the call of the
29 chairperson, but not less than bi-monthly to review the implementation plans as submitted by the
30 applicable fire departments pursuant to section 23-28.4-5. The Implementation Plan Review
31 Committee, after reviewing each fire department's implementation plan, shall make a report
32 available as to the progress of each applicable department's compliance or noncompliance with
33 NFPA 1500 by January 1, 2007.

34 SECTION 24. Sections 23-28.6-21, 23-28.6-22 and 23-28.6-24 of the General Laws in

1 Chapter 23-28.6 entitled "Places of Assembly" are hereby amended to read as follows:

2 **23-28.6-21. Sprinklers required.** -- (a) All new and existing places of assembly shall be
3 completely protected by an approved system of automatic sprinklers installed and maintained in
4 accordance with N.F.P.A. Standard 13, 2002 Edition and its related standards pursuant to the
5 schedule outlined in subsection (d) of this section.

6 (b) The requirements of subsection (a) of this section shall not apply to:

7 ~~(i)~~(1) Any place of assembly with an occupancy load of fifty (50) to three hundred (300)
8 people of less concentrated use, exclusively calculated at fifteen (15) square feet per person;

9 ~~(ii)~~(2) Any place of assembly with an occupancy load of fifty (50) to three hundred (300)
10 people of concentrated use not classified as a "nightclub";

11 ~~(iii)~~(3) Any place of assembly with an occupancy load of fifty (50) to three hundred
12 (300) people of concentrated use, classified as a "nightclub" with a posted maximum occupancy
13 of less than one hundred fifty (150) people;

14 ~~(iv)~~(4) Any existing building used primarily as a place of worship that is in compliance
15 with the requirements for places of worship established pursuant to section 23-28.6-24-~~;~~ ;

16 ~~(v)~~(5) The open assembly areas in existing unheated buildings used on a seasonal basis
17 provided the building is protected by a properly maintained total (complete) fire alarm system
18 during all periods of occupancy-~~;~~ ; and

19 ~~(vi)~~(6) Student occupied assembly areas, such as auditorium(s), library(s), cafeteria(s)
20 and gymnasium(s), within any existing building, classified as either an educational occupancy, or
21 an institution of higher education such as a community college, a college and/or university, that is
22 protected by a properly maintained total (complete) fire alarm system. In the event the owner or
23 management of such a building plans to use one or more of the above assembly areas, in a
24 manner inconsistent with the traditional educational use, for example a community meeting, a
25 dance or a play, the owner or responsible management must first consult with the state fire
26 marshal's designee, in the local fire department, and develop a plan of action for such use. The
27 proposed event shall only be conducted pursuant to the above plan of action. This exception shall
28 not apply to any such existing higher education assembly area(s) used generally for commercial
29 purposes such as an arena, restaurant, bar or lounge.

30 (c) Alternatively engineered sprinkler systems, approved by the Fire Safety Code Board
31 of Appeal and Review, shall be allowed in the retrofitting of an existing place of assembly with
32 sprinklers.

33 (d) All places of assembly with a maximum occupancy of more than three hundred (300)
34 people shall be fully sprinkled in accordance with the above standards on or before July 1, 2005.

1 All "nightclubs" with a posted maximum occupancy of one hundred fifty (150) or more people,
2 and up to three hundred (300) people shall be fully sprinkled in accordance with the above
3 standards on or before July 1, 2006. For good cause shown, the above deadlines may be extended
4 by the Fire Safety Code Board of Appeal & Review.

5 (e) The occupancy of any place of assembly without a fire alarm system and/or sprinkler
6 system after July 1, 2004, shall have its maximum occupancy adjusted by minus ten percent
7 (10%) for the absence of a fire alarm system and minus twenty percent (20%) for the absence for
8 the sprinklers, when fire alarm systems and/or sprinklers are required by law or regulation. Such
9 downward adjustment in occupancy shall be cumulative and shall cease to apply when the
10 premises are in compliance with requirements for fire alarms systems and sprinklers, and shall
11 not affect any other requirements of the Fire Safety Code Board of Appeal and Review applicable
12 to the premises. The ten percent (10%) and twenty percent (20%) reductions in maximum
13 occupancy, herein set forth, may be waived, in writing, by the state fire marshal, assistant state
14 fire marshal, deputy state fire marshals, the local fire chief of the jurisdiction in which the place
15 of assembly is located, or an assistant deputy state fire marshal as designated by the local fire
16 chief. Provided, however, that the owner or management responsible for the operation of the
17 facility shall be required to operate said facility under an alternative plan of action for fire safety,
18 which plan shall require the approval of the state fire marshal, the assistant state fire marshal,
19 deputy state fire marshals, the local fire chief of the jurisdiction in which the place of assembly is
20 located, or an assistant deputy state fire marshal as designated by the local fire chief, in order to
21 qualify for the waiver provided for herein.

22 (f) A place of assembly with an occupancy of one hundred fifty (150) or greater and up
23 to three hundred (300) may avoid the above occupancy adjustment by requiring a fire fighter to
24 be on duty during all hours of occupancy. In no event shall the occupancy adjustment to the
25 firefighter requirement alter the July 1, 2006 deadline for the installation of sprinklers.

26 (g) All places of assembly with an occupancy of less than one hundred fifty (150) shall
27 use fire retardant paints or other coverings, to a standard acceptable to the Fire Safety Code Board
28 of Appeal and Review, unless the building has sprinklers by July 1, 2006.

29 (h) The provisions of this section, in its entirety, shall not apply to places of worship
30 except as may be required by the Fire Safety Code Board of Appeal and Review pursuant to
31 section 23-28.6-24.

32 **23-28.6-22. Nightclubs.** -- Every special amusement building concentrated occupancy
33 place of assembly nightclub as defined in section 23-28.1-5 shall comply with [the](#) following
34 requirements, consistent with requirements related thereto established by the Fire Safety Code

1 Board of Appeal and Review and the state fire marshal. All such buildings shall:

2 ~~(a)~~(1) Have fire alarms that are municipally connected for occupancies of one hundred
3 fifty (150) or greater and for all Class A and B places of assembly by July 1, 2004. These fire
4 alarm systems shall be tested no less than quarterly.

5 ~~(b)~~(2) Have sprinklers in Class C places of assembly of one hundred fifty (150) or
6 greater with an occupancy load of one hundred fifty (150) up to three hundred (300) people by
7 July 1, 2006 and in Class A and B places of assembly with an occupancy load of greater than
8 three hundred (300) people by July 1, 2005; provided, however, that this requirement shall not
9 apply to fully alarmed buildings used exclusively as places of worship.

10 ~~(c)~~(3) Have alarm systems sound and upon the actuation of any smoke detector or fire
11 alarm, have emergency lighting or other appropriate lighting activate, and require that any
12 conflicting sounds or visuals cease, by February 20, 2004.

13 ~~(d)~~(4) Have two (2) fire extinguishers, which shall be at least twenty (20) pounds or such
14 other size as may be established as appropriate by the Fire Safety Code Board of Appeal and
15 Review, in each stage area, by February 20, 2004.

16 ~~(e)~~(5) Have floor proximity exit signs for all occupancies greater than one hundred fifty
17 (150) by February 20, 2005.

18 ~~(f)~~(6) ~~Shall provide~~ Provide an audible announcement of the location of emergency exits
19 prior to each act or set.

20 ~~(g)~~(7) Have an emergency plan for the premises, approved by a fire marshal and
21 consistent with rules established by the Fire Safety Code Board of Appeal a person on duty or a
22 crowd manager on duty, who has been trained by the fire marshal with regard to the emergency
23 plan and basic crowd management techniques by October 1, 2004. This requirement shall be in
24 addition to the requirement for a detail fire fighter.

25 **23-28.6-24. Places of worship.** – (a) The Fire Safety Code Board of Appeal and Review
26 shall establish and maintain a subcategory of assembly occupancies for places of worship and
27 shall, consistent with the provisions of this section, specify code requirements applicable to the
28 subcategory. Every place of worship as defined in section 23-28.1-5 shall comply with the
29 requirements for places of worship by the Fire Safety Code Board of Appeal and Review and
30 administered by the state fire marshal. In establishing and maintaining this subcategory, the board
31 shall give due consideration to the historic level of use as well as to occupant load and shall
32 provide for separate calculation of occupant loads for sanctuaries and gathering halls and for
33 distinct requirements for the different areas of the place of worship.

34 ~~(a)~~(b) Newly constructed places of worship shall comply with the applicable

1 requirements for new occupancies.

2 ~~(b)~~(c) Existing places of worship shall comply with requirements established by the Fire
3 Safety Code Board of Appeal and Review, pursuant to this subsection.

4 (1) The Fire Safety Code Board of Appeal and Review shall adopt reasonable
5 requirements for fire safety in existing places of worship by July 1, 2007, which standards shall
6 allow for the continued occupancy and use of the place of worship without undue hardship, with
7 due consideration for the historic use and operation of the place of worship, unless such continued
8 use and occupancy would constitute a serious threat to life. Such requirements shall provide that
9 the place of worship shall have:

10 (i) Adequate egress, including exits, exit signs, and emergency lighting;

11 (ii) Adequate systems for discovery of fire and smoke and for altering occupants
12 promptly and effectively; and

13 (iii) Adequate fire extinguishers.

14 (2) Existing places of worship shall not be subject to requirements for places of assembly
15 to install sprinklers in the sanctuary or in other areas unless the state fire marshal, or official in
16 the office of the state fire marshal designated by the state fire marshal in the capacity of the
17 authority having jurisdiction, shall determine: (i) that in the absence of sprinklers, there would be
18 a serious threat to life as a result of conditions specific to those areas in the place of worship; or
19 (ii) that the kitchen of the place of worship is used for cooking food for more than two (2) hours
20 per week as an annual average, in which case a requirement may be imposed for automatic fire
21 suppression system in the kitchen. The code requirements applicable to the place of worship shall
22 be deemed satisfactory purposes of the use of the place of worship or areas thereof by community
23 members and groups and nonprofit organizations; provided, however, that the use of the place of
24 worship or a portion thereof for an occupancy for a commercial purpose or for the regular
25 conduct of an activity or function that requires licensure by the state may be subject to code
26 requirements for that occupancy.

27 ~~(e)~~(d) The Fire Safety Code Board of Appeal and Review shall establish a timetable for
28 existing places of worship to comply with the requirements adopted pursuant to subsection ~~(b)~~(c)
29 of this section, which compliance timetable shall commence not sooner than January 1, 2008 and
30 may extend beyond July 1, 2008.

31 ~~(d)~~(e) The Fire Safety Code Board of Appeal and Review and the state fire marshal shall
32 in establishing, interpreting, administering and enforcing code requirements pertaining to this
33 subcategory satisfy reasonable requirements for life safety in a manner that does not cause
34 disproportionate effort or expense and that allows for continued occupancy as places of worship

1 in buildings and structures where worship is a historic use, provided that any condition that
2 represents a serious threat to life is mitigated by application of appropriate safeguards, and in so
3 doing, shall give due consideration in applying the provisions of this paragraph to occupancies
4 that normally are used by gatherings of less than fifty (50) persons.

5 SECTION 25. Sections 23-34.1-2, 23-34.1-4 and 23-34.1-16 of the General Laws in
6 Chapter 23-34.1 entitled "Amusement Ride Safety Act" are hereby amended to read as follows:

7 **23-34.1-2. Purpose.** -- ~~(+)~~ The purpose of this chapter is to guard against personal
8 injuries in the assembly, disassembly, and use of amusement devices, amusement attractions, and
9 temporary structures at public fairs and expositions, carnivals, festivals, celebrations, bazaars, and
10 permanent facilities. Such devices, attractions, and structures shall be designed, constructed,
11 assembled or disassembled, maintained, and operated so as to prevent such injuries.

12 **23-34.1-4. Inspection registration seal.** -- No amusement ride or device shall be placed
13 in service unless an inspection registration seal of the commissioner is affixed to it by the
14 administrator or his or her agent. The inspection registration seal shall contain:

- 15 (1) The name of the owner of the ride;
- 16 (2) The serial number of the ride;
- 17 (3) The year of manufacture;
- 18 (4) The identification number established by the commissioner or his or her designee;
- 19 (5) The name of the manufacturer; and
- 20 (6) The current yearly inspection sticker. ~~;~~ ~~and~~
- 21 ~~(7) [Deleted by P.L. 2002, ch. 317, section 1.]~~

22 **23-34.1-16. Exemption -- Bazaars, fairs and circuses.** -- ~~(+)~~ Bazaars, fairs, and circuses
23 shall not be inspected under these regulations unless, and only to the extent that such bazaars,
24 fairs and circuses have amusement rides or devices associated with them. When a bazaar, fair or
25 circus contains any amusement ride or device, the provisions of this chapter concerning carnivals
26 shall apply.

27 SECTION 26. Sections 23-60-2 and 23-60-5 of the General Laws in Chapter 23-60
28 entitled "Battery Deposit and Control" are hereby amended to read as follows:

29 **23-60-2. Definitions.** -- As used in this chapter:

- 30 (1) "Consumer" means an individual who purchases a vehicle battery for use,
31 consumption, or any use other than resale;
- 32 (2) "Dealer" means every person in this state who engages in the sale of vehicle
33 batteries;
- 34 (3) "Director" means the director of the department of environmental management;

1 (4) "Distributor" means every person who engages in the sale of vehicle batteries to a
2 dealer in this state including any manufacturer who engages in such sales;

3 (5) "Manufacturer" means a person who manufactures vehicle batteries;

4 (6) "Person" means any person, firm, partnership, association, corporation, or
5 organization of any kind whatsoever;

6 ~~(7) [Deleted by P.L. 2000, ch. 179, section 1.];~~

7 ~~(8)~~(7) "Vehicle" means every vehicle which is self-propelled and designed for carrying
8 persons or property or which is used for the transportation of persons, including, but not limited
9 to, buses, automobiles, truck, boats, motorcycles, farm, lawn and garden equipment, and
10 snowmobiles;

11 ~~(9)~~(8) "Vehicle battery" means batteries used in any vehicle, or of a capacity of six (6)
12 volts or more, and of one hundred fifty (150) pounds or less in weight, and like batteries in
13 stationary uses.

14 **23-60-5. Distributor acceptance -- Reimbursement by distributor.** -- (a) A distributor
15 or manufacturer shall not refuse to accept from any dealer any used vehicle battery in reasonably
16 clean and substantially unbroken condition of the kind, size, and brand sold by the distributor or
17 manufacturer.

18 ~~(b) [Deleted by P.L. 2000, ch. 179, section 1.]~~

19 ~~(c)~~(b) Whenever a dealer or group of dealers receives a shipment or consignment of, or
20 in any manner acquires, vehicle batteries outside Rhode Island for sale to consumers in Rhode
21 Island, the dealer or dealers shall comply with this chapter as if they were distributors, as well as
22 dealers.

23 SECTION 27. Section 23-60.1-2 of the General Laws in Chapter 23-60.1 entitled "Dry
24 Cell Battery Control" is hereby amended to read as follows:

25 **23-60.1-2. Definitions.** -- As used in this chapter:

26 (1) "Alkaline-manganese battery" means any dry cell battery containing manganese
27 dioxide and zinc electrodes and an alkaline electrolyte.

28 ~~(2) [Deleted by P.L. 2000, ch. 179, section 1.]~~

29 ~~(3) [Deleted by P.L. 2000, ch. 179, section 1.]~~

30 ~~(4) [Deleted by P.L. 2000, ch. 179, section 1.]~~

31 ~~(5)~~(2) "Dry cell battery" means all batteries in which the electrolyte is absorbed, gelled,
32 or solidified such that the electrolyte is not a free-standing body of liquid. Dry cell batteries do
33 not include vehicle batteries as defined by section 23-60-2.

34 ~~(6)~~(3) "Lead-acid dry cell battery" means a battery containing a lead-acid system,

1 generally used in rechargeable consumer products, and weighing less than twenty-five (25)
2 pounds.

3 ~~(7) [Deleted by P.L. 2000, ch. 179, section 1.]~~

4 ~~(8)~~(4) "Mercuric-oxide battery" means a dry cell battery containing zinc and mercuric
5 oxide electrodes and used both in household and non-household, often medical, applications.

6 ~~(9)~~(5) "Nickel-cadmium battery" means any dry cell battery containing cadmium and
7 nickel electrodes and an alkaline electrolyte.

8 ~~(10) [Deleted by P.L. 2000, ch. 179, section 1.]~~

9 ~~(11) [Deleted by P.L. 2000, ch. 179, section 1.]~~

10 ~~(12) [Deleted by P.L. 2000, ch. 179, section 1.]~~

11 ~~(13) [Deleted by P.L. 2000, ch. 179, section 1.]~~

12 SECTION 28. Section 23-64.1-2 of the General Laws in Chapter 23-64.1 entitled
13 "Commission for Health Advocacy and Equity" is hereby amended to read as follows:

14 **23-64.1-2. Definitions.** -- As used in this chapter, the following words and phrases have
15 the following meanings:

16 (1) "Commission" means the commission of health advocacy and equity; formerly
17 entitled the minority health advisory committee.

18 ~~(1)~~(2) "Community-based health agency" means an organization that provides health
19 services or health education, including a hospital, a community health center, a community
20 mental health or substance abuse center, and other health-related organizations.

21 ~~(2)~~(3) "Community-based health and wellness organization" means any organization,
22 whether for-profit or not-for-profit that provides services that support the health and well-being of
23 Rhode Islanders.

24 ~~(3)"Disparities" means the preventable inequalities in health status, including the~~
25 ~~incidence, prevalence, mortality, and burden of diseases and other adverse health conditions that~~
26 ~~exist among population groups in Rhode Island. Disparities are impacted by social determinants~~
27 ~~of health which include, but are not limited to, access to services, quality of services, health~~
28 ~~behaviors, and environmental exposures.~~

29 (4) "Community health worker" means any individual who assists and coordinates
30 services between providers of health services, community services, social agencies for vulnerable
31 populations. Community health workers provide support and assist in navigating the health and
32 social services system.

33 ~~(5) "Commission" means the commission of health advocacy and equity; formerly~~
34 ~~entitled the minority health advisory committee.~~

1 (5) “Disparities” means the preventable inequalities in health status, including the
2 incidence, prevalence, mortality, and burden of diseases and other adverse health conditions that
3 exist among population groups in Rhode Island. Disparities are impacted by social determinants
4 of health which include, but are not limited to, access to services, quality of services, health
5 behaviors, and environmental exposures.

6 SECTION 29. Section 23-65-1 of the General Laws in Chapter 23-65 entitled "Board of
7 Certification of Operators of Public Water Supply Facilities" is hereby amended to read as
8 follows:

9 **23-65-1. Definitions.** -- As used in this chapter:

10 (1) "Assistant superintendent" means the individual who is an operator who is
11 responsible for the management, operation, and maintenance of a water supply treatment facility
12 or water transmission and distribution system in the absence of the superintendent and who shall
13 have a certificate appropriate to the type and grade of the water treatment facility or water
14 transmission and distribution system. Water system officials not working at the water system
15 treatment facilities or transmission or distribution system, as further defined through the
16 development and establishment of the board's rules and regulations, are not covered by this
17 section.

18 (2) "Board" means the board of certification established by section 23-65-2.

19 (3) "Certificate" means a certificate of competency issued by the director to an individual
20 to operate one or more specified classes of public water supply facilities.

21 (4) "Community water supply" means any public water supply which served at least
22 fifteen (15) service connections used by year-round residents or regularly serves at least twenty-
23 five (25) year-round residents.

24 (5) "Director" means the director of the department of health or a subordinate to whom
25 the director has assigned his or her functions.

26 (6) "Groundwater under the direct influence of surface water" means any water beneath
27 the surface of the ground with (i) significant occurrence of insects or other microorganisms,
28 algae, or large diameter pathogens such as Giardia lamblia, or (ii) significant and relatively rapid
29 shifts in water characteristics such as turbidity, temperature, conductivity, or PH which closely
30 correlate to climatological or surface water conditions.

31 (7) “Non-community non-transient water system” means a non-community water system
32 that regularly services at least twenty-five (25) of the same persons over six (6) months per year.

33 (8) “Non-community water system” means a public water system that is not a community
34 water system.

1 ~~(7)~~(9) "Operator" means an individual whose routine job duties involve performing
2 operational activities or making decisions regarding the daily operational activities of a public
3 water system, water treatment facility and/or transmission and distribution system, that may
4 directly impact the quality and/or quantity of drinking water. Operator does not apply to an
5 official exercising only general administrative supervision or engineering design duties, such as
6 the city engineer or an elected water commissioner, or clerical or administrative workers involved
7 only in activities such as customer relations, billing, payroll, time keeping, etc.

8 ~~(8)~~(10) "Person" means any individual, partnership, firm, association, joint venture,
9 public or private corporation, trust estate, commission, board, public or private institution, utility,
10 cooperative, municipality or any other political subdivision of this state, any interstate body, or
11 any other legal entity.

12 ~~(9)~~(11) "Public water supply" means a system for the provisions of the public of piped
13 water for human consumption, if such system has at least fifteen (15) service connections or
14 regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

15 ~~(10)~~(12) "Superintendent" means the individual who is an operator who is directly
16 responsible for the management, operation, and maintenance of a water supply treatment facility
17 or water transmission and distribution system during all working shifts and who shall hold a
18 certificate appropriate to the type and grade of the water treatment facility or water transmission
19 and distribution system.

20 ~~(11)~~(13) "Transmission and distribution system" means a network of pipes that
21 transports, distributes, and delivers water from a water treatment facility or well(s) to water
22 system customers.

23 ~~(12)~~(14) "Water supply treatment facility" means an arrangement of devices and
24 structures constructed and/or installed for the purpose of treatment of water supply.

25 ~~(13)"Non-community water system" means a public water system that is not a~~
26 ~~community water system.~~

27 ~~(14) "Non-community non-transient water system" means a non-community water~~
28 ~~system that regularly services at least twenty five (25) of the same persons over six (6) months~~
29 ~~per year.~~

30 SECTION 30. Section 23-82-3 of the General Laws in Chapter 23-82 entitled
31 "Implementation of the Regional Greenhouse Gas Initiative Act" is hereby amended to read as
32 follows:

33 **23-82-3. Definitions.** -- As used in this chapter:

34 (1) "Allowance" means an authorization to emit a fixed amount of carbon dioxide;

1 (2) "Council" means the energy efficiency and resources management council;

2 ~~(2)~~(3) "Department" means department of environmental management;

3 ~~(3) "Regional greenhouse gas initiative" or "RGGI" means the memorandum of~~
4 ~~understanding (MOU) dated December 20, 2005, as may be amended, and corresponding model~~
5 ~~rule, as may be amended, that establishes an electric power sector carbon emissions cap and trade~~
6 ~~program.~~

7 (4) "Office" means the office of energy resources; and

8 (5) "Regional greenhouse gas initiative" or "RGGI" means the memorandum of
9 understanding (MOU) dated December 20, 2005, as may be amended, and corresponding model
10 rule, as may be amended, that establishes an electric power sector carbon emissions cap and trade
11 program.

12 ~~(5) "Council" means the energy efficiency and resources management council.~~

13 SECTION 31. Section 23-83-2 of the General Laws in Chapter 23-83 entitled "The
14 Umbilical Cord Blood Donation Notification Act" is hereby amended to read as follows:

15 **23-83-2. Definitions.** -- As used in this chapter, the following terms are defined as
16 follows:

17 ~~(1) "Umbilical cord blood" is the blood that remains in the umbilical cord and placenta~~
18 ~~after the birth of a newborn child.~~

19 ~~(2) "Public cord blood bank" is a bank that maintains a supply of unrelated cord blood~~
20 ~~units that are philanthropically donated for transplantation or research purposes. This bank may~~
21 ~~also store a limited number of units for autologous or family use when a disease that is treatable~~
22 ~~by cord blood transplantation is known to exist within the donor's family.~~

23 ~~(3) "Private cord blood bank" is a bank that for a fee stores cord blood units for~~
24 ~~autologous or family use.~~

25 ~~(4)~~(1) "Mixed bank" is a bank that maintains a supply of unrelated cord blood units
26 philanthropically donated by transplantation or research purposes to unrelated recipients and also
27 for a fee stores cord blood for autologous use and use by family members.

28 ~~(5)~~(2) "Obstetrical professional or facility" is licensed health care providers, including,
29 but not limited to, hospitals, birthing centers, health clinics, midwives, obstetricians and other
30 physicians who provide obstetrical services.

31 (3) "Private cord blood bank" is a bank that for a fee stores cord blood units for
32 autologous or family use.

33 (4) "Public cord blood bank" is a bank that maintains a supply of unrelated cord blood
34 units that are philanthropically donated for transplantation or research purposes. This bank may

1 [also store a limited number of units for autologous or family use when a disease that is treatable](#)
2 [by cord blood transplantation is known to exist within the donor's family.](#)

3 [\(5\) "Umbilical cord blood" is the blood that remains in the umbilical cord and placenta](#)
4 [after the birth of a newborn child.](#)

5 SECTION 32. Sections 24-8-15 and 24-8-26 of the General Laws in Chapter 24-8
6 entitled "Construction and Maintenance of State Roads" are hereby amended to read as follows:

7 **24-8-15. Snow and ice removal -- Notice of defects.** -- (a) Every town or city shall at its
8 own expense keep state roads within its limits, respectively, sufficiently clear of snow and ice so
9 the roads shall be reasonably safe for travel as now required by law, and shall at once notify in
10 writing the director of transportation or his or her employees of any defect or want of repair of
11 state roads within its limits.

12 (b) ~~(1) [Deleted by P.L. 2005, ch. 195, section 1 and P.L. 2005, ch. 200, section 1.]~~

13 ~~(2)~~(1) All storage piles or areas where road de-icing agents are stored within the Scituate
14 watershed shall be adequately covered and stored on an impervious base to mitigate runoff
15 impacts to ground and surface waters. The director of the department of transportation shall
16 ensure where funds allow, that all drivers, loaders and handlers of de-icing agents within any
17 watershed participate in training sessions in the proper application and control of road de-icing
18 agents; that de-icing vehicles, wherever feasible, operating within the Scituate watershed area
19 equipped with sensor devices to control the spread rate of de-icing materials in relation to the
20 speed of the vehicle.

21 ~~(3)~~(2) For purposes of this section the "Scituate watershed" shall mean the total drainage
22 area into the Scituate Reservoir -- an area of some 92.8 square miles in the towns of Scituate,
23 Johnston, Foster, Gloucester, and Smithfield -- which because of its topography, soil type, and
24 drainage patterns acts as a collector of rain waters which replenish or regorge existing public
25 drinking water supplies in the Scituate Reservoir.

26 **24-8-26. Removal of snow and ice from bridges -- Notice of defects.** -- (a) Every town
27 or city in which any bridge is located, which shall be maintained by the state under the provisions
28 of this chapter, shall at its own expense keep the bridge within its limits sufficiently clear of snow
29 and ice so that the bridge shall be reasonably safe for traveling, and shall at once notify in writing
30 the director of transportation or the director's employees of any defect or want of repair in the
31 bridge. The director of transportation shall upon the receipt of the information notify any public
32 utility using the bridge of the defect or want of repair.

33 ~~(b) [Deleted by P.L. 2005, ch. 195, section 1 and P.L. 2005, ch. 200, section 1.]~~

34 ~~(e)~~(b) All storage piles or areas where road de-icing agents are stored within the Scituate

1 watershed shall be adequately covered and stored on an impervious base to mitigate runoff
2 impacts to ground and surface waters. The director of the department of transportation shall
3 ensure where funds allow, that all drivers, loaders, and handlers of de-icing agents within any
4 watershed participate in training sessions in the proper application and control of road de-icing
5 agents; that de-icing vehicles, wherever feasible, operating within the Scituate watershed area
6 equipped with sensor devices to control the spread rate of de-icing materials in relation to the
7 speed of the vehicle.

8 ~~(d)~~(c) For purposes of this section the "Scituate watershed" shall mean the total drainage
9 area into the Scituate Reservoir -- an area of some 92.8 square miles in the towns of Scituate,
10 Johnston, Foster, Glocester, and Smithfield -- which because of its topography, soil type, and
11 drainage patterns acts as a collector of rain waters which replenish or regorge existing public
12 drinking water supplies in the Scituate Reservoir.

13 SECTION 33. Section 24-12-37 of the General Laws in Chapter 24-12 entitled "Rhode
14 Island Turnpike and Bridge Authority" is hereby amended to read as follows:

15 **24-12-37. Penalty for nonpayment of toll -- Toll Violators.** -- (a) Any person who fails
16 or refuses to pay or prepay the required toll shall be required to pay the toll amount and an
17 administrative fee of six dollars (\$6.00) within thirty (30) days of issuance of the notice of
18 violation.

19 (b) Any person who fails to pay the due toll amount and the administrative fee within
20 thirty (30) days of the issuance of the notice of the violation shall be punished by a fine of eighty-
21 five dollars (\$85.00) and may have his or her drivers license suspended pursuant to section 31-
22 41.1-6 for a period not to exceed thirty (30) days for the violation. Toll violators, who fail to pay
23 the due toll amount and the administrative fee within thirty (30) days of the issuance of the notice
24 of the violation shall receive a traffic violation summons which shall be subject to the jurisdiction
25 of the Traffic Tribunal. The toll amount, and administrative fee due under this subsection shall be
26 remitted to the Rhode Island Turnpike and Bridge Authority.

27 (c) "Toll Violator" means, for the purposes of this section, any person who uses any
28 project and fails to pay the required toll and accepts an Unpaid Toll Invoice from the Authority.

29 ~~(2)~~(1) The authority shall promulgate appropriate rules and regulations to ensure the
30 proper administration of the provisions of this section.

31 ~~(3)~~(2) For the purposes of this section only, "person" means the registered owner, driver,
32 rentee or lessee of a motor vehicle.

33 ~~(4)~~(3) It is unlawful for any person or business, other than an authorized representative
34 of the authority: (i) to sell, offer for sale or attempt to sell tokens, tickets, passes or other

1 evidences of payment issued for passage on any project of the authority, including but not limited
2 to, the Claiborne Pell Bridge, if originally issued by the authority pursuant to any program of the
3 authority providing for a reduced rate of toll based upon frequency of use of the project, volume
4 of tokens, passes or other evidences of payment purchased, or method of payment for the toll; or
5 (ii) to sell, offer for sale, or attempt to sell tokens, passes or other evidences of payment issued for
6 passage on any project of the authority, including but not limited to, the Claiborne Pell Bridge for
7 a profit. Any person or business who is found in violation of this subsection shall be punished, for
8 each offense, by a fine of not more than five hundred dollars (\$500).

9 SECTION 34. Section 24-15-2 of the General Laws in Chapter 24-15 entitled "Scenic
10 Highways" is hereby amended to read as follows:

11 **24-15-2. Definitions.** -- As used in this chapter:

- 12 (1) "Board" means the scenic roadways board.
- 13 ~~(2) [Deleted by P.L. 2005, ch. 228, section 1 and P.L. 2005, ch. 315, section 1.]~~
- 14 ~~(3)~~(2) "Director" means the director of the department of transportation.
- 15 ~~(4)~~(3) "Municipality" means a city or town.

16 SECTION 35. Section 42-26-6 of the General Laws in Chapter 42-26 entitled "Rhode
17 Island Justice Commission" is hereby amended to read as follows:

18 **42-26-6. Criminal justice policy board -- Appointment of members.** -- The criminal
19 justice policy board shall consist of:

- 20 (1) The attorney general;
- 21 (2) The superintendent of the state police and director of the department of public safety;
- 22 (3) The public defender;
- 23 (4) The director of the department of corrections;
- 24 (5) The director of the department of human services;
- 25 (6) ~~The director of the department of mental health, retardation, and hospitals;~~ [The](#)
26 [director of the department of behavioral healthcare, developmental disabilities and hospitals;](#)
- 27 (7) ~~The chairperson of the state board of governors for higher education;~~ [The chairperson](#)
28 [of the state board of regents;](#)
- 29 (8) The director of the department of children, youth, and families;
- 30 (9) The chief justice of the family court;
- 31 (10) The president of the Rhode Island Police Chiefs Association;
- 32 (11) One police chief selected by the Rhode Island Police Chiefs Association;
- 33 (12) The chief justice of the Rhode Island Supreme Court;
- 34 (13) The presiding justice of the superior court;

- 1 (14) The chief judge of the district court;
- 2 (15) Seven (7) members of the general assembly; four (4) from the house of
3 representatives, at least one of whom shall be a member of the minority, to be appointed by the
4 speaker, and three (3) from the senate, at least one of whom shall be a member of the minority, to
5 be appointed by the president of the senate;
- 6 (16) The executive director of the Rhode Island League of Cities and Towns;
- 7 (17) The director of health;
- 8 (18) The director of the division of fire safety;
- 9 (19) One university or college faculty member with a research background in criminal
10 justice appointed by the governor;
- 11 (20) Four (4) citizens appointed by the governor;
- 12 (21) Three (3) representatives appointed by the governor from community service
13 organizations.

14 SECTION 36. Section 21-28-2.08 of the General Laws in Chapter 21-28 entitled
15 "Uniform Controlled Substances Act" is hereby amended to read as follows:

16 **21-28-2.08. Contents of schedules. --** Schedule I

17 (a) Schedule I shall consist of the drugs and other substances, by whatever official name,
18 common or usual name, chemical name, or brand name designated, listed in this section.

19 (b) Opiates. - Unless specifically excepted or unless listed in another schedule, any of
20 the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and
21 ethers whenever the existence of the isomers, esters, ethers, and salts is possible within the
22 specific chemical designation:

- 23 (1) Acetylmethadol
- 24 (2) Allylprodine
- 25 (3) Alphacetylmethadol
- 26 (4) Alphameprodine
- 27 (5) Alphamethadol
- 28 (6) Benzethidine
- 29 (7) Betacetylmethadol
- 30 (8) Betameprodine
- 31 (9) Betamethadol
- 32 (10) Betaprodine
- 33 (11) Clonitazene
- 34 (12) Dextromoramide

- 1 (13) Difenoxin
- 2 (14) Diampromide
- 3 (15) Diethylthiambutene
- 4 (16) Dimenoxadol
- 5 (17) Dimepheptanol
- 6 (18) Dimethylthiambutene
- 7 (19) Dioxaphetyl butyrate
- 8 (20) Dipipanone
- 9 (21) Ethylmethylthiambutene
- 10 (22) Etonitazene
- 11 (23) Extoxerdine
- 12 (24) Furethidine
- 13 (25) Hydroxypethidine
- 14 (26) Ketobemidone
- 15 (27) Levomoramide
- 16 (28) Levophenacymorphan
- 17 (29) Morpheridine
- 18 (30) Noracymethadol
- 19 (31) Norlevorphanol
- 20 (32) Normethadone
- 21 (33) Norpipanone
- 22 (34) Phenadoxone
- 23 (35) Phenampromide
- 24 (36) Phenomorphan
- 25 (37) Phenoperidine
- 26 (38) Piritramide
- 27 (39) Proheptazine
- 28 (40) Properidine
- 29 (41) Propiram
- 30 (42) Racemoramide
- 31 (43) Trimeperidone
- 32 (44) Tilidine
- 33 (45) Alpha-methylfentanyl
- 34 (46) Beta-hydroxy-3-methylfentanyl other names:

1 N-[1-(2hydroxy-2-phenethyl)-3-methyl-4piperidingyl] Nphenylpropanamide

2 (c) Opium Derivatives. - Unless specifically excepted or unless listed in another
3 schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever
4 the existence of the salts, isomers, and salts of isomers is possible within the specific chemical
5 designation:

- 6 (1) Acetorphine
- 7 (2) Acetyldihydrocodeine
- 8 (3) Benzylmorphine
- 9 (4) Codeine methylbromide
- 10 (5) Codeine-N-Oxide
- 11 (6) Cyprenorphine
- 12 (7) Desomorphine
- 13 (8) Dihydromorphine
- 14 (9) Etorphine (Except hydrochloride salt)
- 15 (10) Heroin
- 16 (11) Hydromorphanol
- 17 (12) Methyldesorphine
- 18 (13) Methylihydromorphine
- 19 (14) Morphine methylbromide
- 20 (15) Morphine methylsulfonate
- 21 (16) Morphine-N-Oxide
- 22 (17) Myrophine
- 23 (18) Nococodeine
- 24 (19) Nicomorphine
- 25 (20) Normorphine
- 26 (21) Pholcodine
- 27 (22) Thebacon
- 28 (23) Drotebanol

29 (d) Hallucinogenic Substances. - Unless specifically excepted or unless listed in another
30 schedule, any material, compound, mixture, or preparation, which contains any quantity of the
31 following hallucinogenic substances, or which contains any of its salts, isomers, and salts of
32 isomers whenever the existence of the salts, isomers, and salts of isomers is possible within the
33 specific chemical designation (for purposes of this subsection only, the term "isomer" includes
34 the optical, position, and geometric isomers):

- 1 (1) 3, 4-methylenedioxy amphetamine
- 2 (2) 5-methoxy-3, 4-methylenedioxy amphetamine
- 3 (3) 3, 4, 5-trimethoxy amphetamine
- 4 (4) Bufotenine
- 5 (5) Diethyltryptamine
- 6 (6) Dimethyltryptamine
- 7 (7) 4-methyl 2, 5-dimethoxyamphetamine
- 8 (8) Ibogaine
- 9 (9) Lysergic acid diethylamide
- 10 (10) Marihuana
- 11 (11) Mescaline
- 12 (12) Peyote. Meaning all parts of the plant presently classified botanically as
- 13 *Lophophora Williamsii* Lemair whether growing or not; the seeds of the plant; any extract from
- 14 any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of
- 15 the plant, its seeds or extracts.
- 16 (13) N-ethyl-3-piperidyl benzilate
- 17 (14) N-methyl-3-piperidyl benzilate
- 18 (15) Psilocybin
- 19 (16) Psilocyn
- 20 (17) Tetrahydrocannabinols. Synthetic equivalents of the substances contained in the
- 21 plant, or in the resinous extractives of *Cannabis*, sp. and/or synthetic substances, derivatives, and
- 22 their isomers with similar chemical structure and pharmacological activity such as the following:
- 23 delta 1 cis or trans tetrahydrocannabinol, and their optical isomers. Delta 6 cis or trans
- 24 tetrahydrocannabinol and their optical isomers. Delta 3, 4 cis or trans tetrahydrocannabinol and
- 25 its optical isomer. (Since nomenclature of these substances is not internationally standardized,
- 26 compounds of these structures, regardless of numerical designation of atomic positions covered).
- 27 (18) Thiophene analog of phencyclidine. 1-(1-(2 thienyl) cyclo-hexyl) piperidine: 2-
- 28 Thienyl analog of phencyclidine: TCP
- 29 (19) 2,5 dimethoxyamphetamine
- 30 (20) 4-bromo-2,5-dimethoxyamphetamine, 4-bromo-2,5-dimethoxy-alpha-
- 31 methylphenethylamine: 4-bromo-2,5-DMA
- 32 (21) 4-methoxyamphetamine-4-methoxy-alpha-methylphenethylamine:
- 33 paramethoxyamphetamine: PMA
- 34 (22) Ethylamine analog of phencyclidine. N-ethyl-1- phenylcyclohexylamine, (1-

- 1 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE
- 2 (23) Pyrrolidine analog of phencyclidine. 1-(1-phenylcyclohexyl)- pyrrolidine PCPy, PHP
- 3 (24) Parahexyl; some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-
- 4 6,6,9-trimethyl-6H-dibenzo (b,d) pyran: Synhexyl.
- 5 (e) Depressants. - Unless specifically excepted or unless listed in another schedule, any
- 6 material, compound, mixture, or preparation which contains any quantity of the following
- 7 substances having a depressant effect on the central nervous system, including its salts, isomers,
- 8 and salts of isomers whenever the existence of the salts, isomers, and salts of isomers is possible
- 9 within the specific chemical designation:
- 10 (1) Mecloqualone.
- 11 (2) Methaqualone.
- 12 (3) 3-methyl fentanyl (N-(1-ethyl-4-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide).
- 13 (4) 3,4-methyl-enedioxymethamphetamine (MDMA), its optical, positional and
- 14 geometric isomers, salts, and salts of isomers.
- 15 (5) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts and
- 16 salts of isomers.
- 17 (6) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts
- 18 and salts of isomers.
- 19 (7) N-(1-(1-methyl-2-phenyl)ethyl-4-piperidyl)-N-phenyl-acetamide (acetyl-alpha-
- 20 methylfentanyl), its optical isomers, salts and salts of isomers.
- 21 (8) N-(1-(1-methyl-2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (alpha-
- 22 methylthiofentanyl), its optical isomers, salts and salts of isomers.
- 23 (9) N-(1-benzyl-piperidyl)-N-phenylpropanamide (benzyl-fentanyl), its optical isomers,
- 24 salts and salts of isomers.
- 25 (10) N-(1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-phenyl-propanamide (beta-
- 26 hydroxyfentanyl), its optical isomers, salts and salts of isomers.
- 27 (11) N-(3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-phenylpropanamide (beta-
- 28 hydroxy-3-methylfentanyl), its optical and geometric isomers, salts and salts of isomers.
- 29 (12) N-(3-methyl-1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (3-
- 30 methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers.
- 31 (13) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl), its
- 32 optical isomers, salts and salts of isomers.
- 33 (14) N-(1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (thiofentanyl), its optical
- 34 isomers, salts and salts of isomers.

1 (15) N-[1-(2-phenylethyl)-4-piperidyl]N-(4-fluorophenyl)-propanamid e (para-
2 fluorofentanyl), its optical isomers, salts and salts of isomers.

3 (16) Gamma hydroxybutyrate, HOOC-CH₂-CH₂-CH₂OH, its optical, position, or
4 geometric isomers, salts and salts of isomers.

5 (f) Stimulants. - Unless specifically excepted or unless listed in another schedule, any
6 material, compound, mixture, or preparation which contains any quantity of the following
7 substances having a stimulant effect on the central nervous system, including its salts, isomers,
8 and salts of isomers:

9 (1) Fenethylamine

10 (2) N-ethylamphetamine

11 [\(3\) 4-methyl-N-methylcathinone \(Other name: mephedrone\)](#)

12 [\(4\) 3,4-methylenedioxy-N-methylcathinone \(Other name: methylone\)](#)

13 [\(5\) 3,4-methylenedioxypyrovalerone \(Other name: MDPV\)](#)

14 [\(g\) Any material, compound, mixture or preparation which contains any quantity of the](#)
15 [following substances:](#)

16 [\(1\) 5-\(1,1-Dimethylheptyl\)-2-\[\(1R,3S\)-3-hydroxycyclohexyl\]-phenol \(CP-47,497\)](#)

17 [\(2\) 5-\(1,1-Dimethyloctyl\)-2-\[\(1R,3S\)-3-hydroxycyclohexyl\]-phenol \(cannabicyclohexanol](#)
18 [and CP-47,497 c8 homologue\)](#)

19 [\(3\) 1-Butyl-3-\(1-naphthoyl\)indole, \(JWH-073\)](#)

20 [\(4\) 1-\[2-\(4-Morpholinyl\)ethyl\]-3-\(1-naphthoyl\)indole \(JWH-200\)](#)

21 [\(5\) 1-Pentyl-3-\(1-naphthoyl\)indole, \(JWH-018 and AM678\)](#)

22 Schedule II

23 (a) Schedule II shall consist of the drugs and other substances, by whatever official
24 name, common or usual name, chemical name, or brand name designated, listed in this section.

25 (b) Substances, vegetable origin or chemical synthesis. - Unless specifically excepted or
26 unless listed in another schedule, any of the following substances whether produced directly or
27 indirectly by extraction from substances of vegetable origin, or independently by means of
28 chemical synthesis, or by a combination of extraction and chemical synthesis:

29 (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or
30 opiate excluding naloxone and its salts, and excluding naltrexone and its salts, but including the
31 following:

32 (i) Raw opium

33 (ii) Opium extracts

34 (iii) Opium fluid extracts

- 1 (iv) Powdered opium
- 2 (v) Granulated opium
- 3 (vi) Tincture of opium
- 4 (vii) Etorphine hydrochloride
- 5 (viii) Codeine
- 6 (ix) Ethylmorphine
- 7 (x) Hydrocodone
- 8 (xi) Hydromorphone
- 9 (xii) Metopon
- 10 (xiii) Morphine
- 11 (xiv) Oxycodone
- 12 (xv) Oxymorphone
- 13 (xvi) Thebaine
- 14 (2) Any salt, compound, derivative, or preparation which is chemically equivalent or
- 15 identical with any of the substances referred to in subdivision (1) of this subsection, except that
- 16 these substances shall not include the isoquinoline alkaloids of opium.
- 17 (3) Opium poppy and poppy straw.
- 18 (4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
- 19 any salt, compound, derivative, or preparation which is chemically equivalent or identical with
- 20 any of these substances, except that the substances shall not include decocainized coca leaves or
- 21 extraction of coca leaves, which extractions do not contain cocaine or ecgonine.
- 22 (5) Concentrate of poppy straw (the crude extract of poppy straw in liquid, solid, or
- 23 powder form which contains the phenanthrine alkaloids of the opium poppy).
- 24 (c) Opiates. - Unless specifically excepted or unless listed in another schedule any of the
- 25 following opiates, including its isomers, esters, ethers, salts; and salts of isomers, esters and,
- 26 ethers whenever the existence of the isomers, esters, ethers, and salts is possible within the
- 27 specific chemical designation:
- 28 (1) Alphaprodine
- 29 (2) Anileridine
- 30 (3) Bezitramide
- 31 (4) Dihydrocodeine
- 32 (5) Diphenoxylate
- 33 (6) Fentanyl
- 34 (7) Isomethadone

- 1 (8) Levomethorphan
- 2 (9) Levorphanol
- 3 (10) Metazocine
- 4 (11) Methadone
- 5 (12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane
- 6 (13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic
- 7 acid
- 8 (14) Pethidine
- 9 (15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
- 10 (16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
- 11 (17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid
- 12 (18) Phenaxocine
- 13 (19) Piminodine
- 14 (20) Racemethorphan
- 15 (21) Racemorphan
- 16 (22) Bulk Dextropropoxyphene (non-dosage forms)
- 17 (23) Suffentanil
- 18 (24) Alfentanil
- 19 (25) Levoalphacetylmethadol
- 20 (d) Stimulants. - Unless specifically excepted or unless listed in another schedule, any
- 21 material, compound, mixture, or preparation which contains any quantity of the following
- 22 substances having a stimulant effect on the central nervous system:
- 23 (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
- 24 (2) Methamphetamine, its salts and salts of its isomers.
- 25 (3) Phenmetrazine and its salts.
- 26 (4) Methylphenidate.
- 27 (e) Depressants. - Unless specifically excepted or unless listed in another schedule, any
- 28 material, compound, mixture, or preparation which contains any quantity of the following
- 29 substances having a depressant effect on the central nervous system, including its salts, isomers,
- 30 and salts of isomers whenever the existence of the salts, isomers, and salts of isomers is possible
- 31 within the specific chemical designation:
- 32 (1) Amobarbital
- 33 (2) Glutethimide
- 34 (3) Methyprylon

- 1 (4) Pentobarbital
2 (5) Phencyclidine
3 (6) Secobarbital
4 (7) Phencyclidine immediate precursors:
5 (i) 1-phencyclohexylamine
6 (ii) 1-piperidinocyclohexane-carbonitrile (PCC)
7 (8) Immediate precursor to amphetamine and methamphetamine: Phenylacetone. Some
8 other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzene ketone.

9 Schedule III

10 (a) Unless specifically excepted or unless listed in another schedule, any material,
11 compound, mixture, or preparation which contains any quantity of the following substances
12 having a depressant effect on the central nervous system:

13 (1) Any substance which contains any quantity of a derivative of barbituric acid, or any
14 salt of a derivative of barbituric acid.

15 (2) Chlorhexadol

16 (3) Lysergic acid

17 (4) Lysergic acid amide

18 (5) Sulfondiethylmethane

19 (6) Sulfonethylmethane

20 (7) Sylfonmethane

21 (8) Any compound, mixture, or preparation containing amobarbital, secobarbital,
22 pentobarbital, or any salt of them and one or more other active medicinal ingredients which are
23 not listed in any schedule.

24 (9) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital or
25 any salt of any of these drugs and approved by the Food and Drug Administration for marketing
26 only as a suppository.

27 (10) Ketamine, its salts, isomers and salts of isomers. (Some other names for ketamine:
28 (+)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone).

29 (b) Unless specifically excepted or unless listed in another schedule, any material,
30 compound, mixture, or preparation containing limited quantities of any of the following narcotic
31 drugs, or any salts of them:

32 (1) Not more than one and eight tenths grams (1.8 gms.) of codeine per one hundred
33 milliliters (100 mls.) or not more than ninety milligrams (90 mgs.) per dosage unit, with an equal
34 or greater quantity of an isoquinoline alkaloid of opium.

1 (2) Not more than one and eight tenths grams (1.8 gms.) of codeine per one hundred
2 milliliters (100 mls.) or not more than ninety milligrams (90 mgs.) per dosage unit, with one or
3 more active, nonnarcotic ingredients in recognized therapeutic amounts.

4 (3) Not more than three hundred milligrams (300 mgs.) of dihydrocodeinone per one
5 hundred milliliters (100 mls.) or not more than fifteen milligrams (15 mgs.) per dosage unit, with
6 a fourfold or greater quantity of an isoquinoline alkaloid of opium.

7 (4) Not more than three hundred milligrams (300 mgs.) of dihydrocodeinone per one
8 hundred milliliters (100 mls.) or not more than fifteen milligrams (15 mgs.) per dosage unit, with
9 one or more active nonnarcotic ingredients in recognized therapeutic amounts.

10 (5) Not more than one and eight tenths grams (1.8 gms.) of dihydrocodeine per one
11 hundred milliliters (100 mls.) or not more than ninety milligrams (90 mgs.) per dosage unit, with
12 one or more active nonnarcotic ingredients in recognized therapeutic amounts.

13 (6) Not more than three hundred milligrams (300 mgs.) of ethylmorphine per one
14 hundred milliliters (100 mls.) or not more than fifteen milligrams (15 mgs.) per dosage unit, with
15 one or more active nonnarcotic ingredients in recognized therapeutic amounts.

16 (7) Not more than five hundred milligrams (500 mgs.) of opium per one hundred
17 milliliters (100 mls.) or per one hundred grams (100 gms.) or not more than twenty-five
18 milligrams (25 mgs.) per dosage unit, with one or more active nonnarcotic ingredients in
19 recognized therapeutic amounts.

20 (8) Not more than fifty milligrams (50 mgs.) of morphine per one hundred milliliters
21 (100 mls.) per one hundred grams (100 gms.) with one or more active, nonnarcotic ingredients in
22 recognized therapeutic amounts.

23 (c) Stimulants. - Unless specifically excepted or listed in another schedule, any material,
24 compound, mixture, or preparation which contains any quantity of the following substances
25 having a stimulant effect on the central nervous system, including its salts, isomers, and salts of
26 the isomers whenever the existence of the salts of isomers is possible within the specific chemical
27 designation:

28 (1) Benzphetamine

29 (2) Chlorphentermine

30 (3) Clortermine

31 (4) Mazindol

32 (5) Phendimetrazine

33 (d) Steroids and hormones. - Anabolic steroids (AS) or human growth hormone (HGH),
34 excluding those compounds, mixtures, or preparations containing an anabolic steroid that because

1 of its concentration, preparation, mixture or delivery system, has no significant potential for
2 abuse, as published in 21 CFR 1308.34, including, but not limited to, the following:

- 3 (1) Chorionic gonadotropin
- 4 (2) Clostebol
- 5 (3) Dehydrochlormethyltestosterone
- 6 (4) Ethylestrenol
- 7 (5) Fluoxymesterone
- 8 (6) Mesterolone
- 9 (7) Metenolone
- 10 (8) Methandienone
- 11 (9) Methandrostenolone
- 12 (10) Methyltestosterone
- 13 (11) Nandrolone decanoate
- 14 (12) Nandrolone phenpropionate
- 15 (13) Norethandrolone
- 16 (14) Oxandrolone
- 17 (15) Oxymesterone
- 18 (16) Oxymetholone
- 19 (17) Stanozolol
- 20 (18) Testosterone propionate
- 21 (19) Testosterone-like related compounds
- 22 (20) Human Growth Hormone (HGH)
- 23 (e) Hallucinogenic substances.

24 (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in
25 U.S. Food and Drug Administration approved drug product. (Some other names for dronabinol:
26 (6aR-trans)-6a, 7, 8, 10a- tetrahydro-6, 6, 9- trimethyl-3-pentyl-6H- dibenzo[b,d]pyra n-1-ol,or(-)-
27 delta-9(trans)-tetrahydrocannabinol.)

28 Schedule IV

- 29 (1) Barbital.
- 30 (2) Chloral betaine
- 31 (3) Chloral hydrate
- 32 (4) Ethchrovinol
- 33 (5) Ethinamate
- 34 (6) Methohexital

- 1 (7) Meprobamate
- 2 (8) Methylphenobarbital
- 3 (9) Paraldehyde
- 4 (10) Petrichloral
- 5 (11) Phenobarbital
- 6 (12) Fenfluramine
- 7 (13) Diethylpropion
- 8 (14) Phentermine
- 9 (15) Pemoline (including organometallic complexes and chelates thereof).
- 10 (16) Chlordiazepoxide
- 11 (17) Clonazepam
- 12 (18) Clorazepate
- 13 (19) Diazepam
- 14 (20) Flurazepam
- 15 (21) Mebutamate
- 16 (22) Oxazepam
- 17 (23) Unless specifically excepted or unless listed in another schedule, any material,
- 18 compound, mixture, or preparation which contains any quantity of the following substances,
- 19 including its salts:
- 20 Dextropropoxyphene(alpha-(+)-4-dimethylamino-1,2-diphenyl-3- methyl-2-
- 21 propronoxybutane).
- 22 (24) Prazepam
- 23 (25) Lorazepam
- 24 (26) Not more than one milligram (1 mg.) of difenoxin and not less than twenty-five (25)
- 25 micrograms of atropine sulfate per dosage unit.
- 26 (27) Pentazocine
- 27 (28) Pipradrol
- 28 (29) SPA (-)-1-dimethylamino-1, 2-diphenylethane
- 29 (30) Temazepam
- 30 (31) Halazepam
- 31 (32) Alprazolam
- 32 (33) Bromazepam
- 33 (34) Camazepam
- 34 (35) Clobazam

- 1 (36) Clotiazepam
- 2 (37) Cloxazolam
- 3 (38) Delorazepam
- 4 (39) Estazolam
- 5 (40) Ethyl loflazepate
- 6 (41) Fludiazepam
- 7 (42) Flunitrazepam
- 8 (43) Haloxazolam
- 9 (44) Ketazolam
- 10 (45) Loprazolam
- 11 (46) Lormetazepam
- 12 (47) Medazepam
- 13 (48) Nimetazepam
- 14 (49) Nitrazepam
- 15 (50) Nordiazepam
- 16 (51) Oxazolam
- 17 (52) Pinazepam
- 18 (53) Tetrazepam
- 19 (54) Mazindol
- 20 (55) Triazolam
- 21 (56) Midazolam
- 22 (57) Quazepam
- 23 (58) Butorphanol
- 24 (59) Sibutramine
- 25 Schedule V

26 (a) Any compound, mixture, or preparation containing any of the following limited
27 quantities of narcotic drugs, which shall include one or more non-narcotic active medicinal
28 ingredients in sufficient proportion to confer upon the compound, mixture, or preparation
29 valuable medicinal qualities other than those possessed by the narcotic drug alone:

30 (1) Not more than two hundred milligrams (200 mgs.) of codeine per 100 milliliters (100
31 mls.) or per one hundred grams (100 gms.).

32 (2) Not more than one hundred milligrams (100 mgs.) of dihydrocodeine per 100
33 milliliters (100 mls.) or per one hundred grams (100 gms.).

34 (3) Not more than one hundred milligrams (100 mgs.) of ethylmorphine per 100

1 milliliters (100 mls.) or per one hundred grams (100 gms.).

2 (4) Not more than two and five tenths milligrams (2.5 mgs.) of diphenixylate and not less
3 than twenty-five (25) micrograms of atropine sulfate per dosage unit.

4 (5) Not more than one hundred milligrams (100 mgs.) of opium per one hundred
5 milliliters (100 mls.) or per one hundred grams (100 gms.).

6 (b) Not more than five tenths milligrams (0.5 mgs.) of difenoxin and not less than
7 twenty-five (25) micrograms of atropine sulfate per dosage unit.

8 (c) Buprenorphine

9 (d) Unless specifically exempted or excluded or unless listed in another schedule, any
10 material, compound, mixture, or preparation which contains any quantity of the following
11 substances having a stimulant effect on the central nervous system, including its salts, isomers
12 and salts of isomers:

13 (1) Propylhexedrine (except as benzedrex inhaler)

14 (2) Pyrovalerone.

15 SECTION 37. This act shall take effect upon passage.

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LC01317/SUB A/4
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATUTES AND STATUTORY CONSTRUCTION

1 This act is the annual Statutes and Statutory Construction Act, introduced to make
2 technical corrections to the General Laws. These corrections are prepared based upon
3 recommendations of the Law Revision Office.

4 This act would take effect upon passage.

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LC01317/SUB A/4
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